

A LIFE IN WAITING:

THAI CITIZENSHIP AND STATELESS YOUTH
ALONG THE THAILAND–MYANMAR BORDER

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A thesis submitted for the degree of Doctor of Philosophy of
The Australian National University



THE AUSTRALIAN NATIONAL UNIVERSITY

July 2017

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Declaration of Originality

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July 2017

Word count: 90,862

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Acknowledgements

During my PhD journey, I have benefited from the advice of many people. Above all, I am truly thankful for the support, guidance and advice of Professor Helen James. As chair of my supervisory panel during my study at the Australian National University (ANU), she has been an exceptional academic supervisor who has enthusiastically engaged with my research. For the past four years, she has encouraged me to think critically and convey original insights. She supported my work both academically and personally to overcome difficulties during my journey. Similarly, I am grateful to Associate Professor Bruce Smyth for his advice about research methodology, and to Dr Philip Taylor for his exceptional ethnographic knowledge and for encouraging me to see my research findings from a different perspective.

My academic interest was initiated by my undergraduate study at Thammasat University, Bangkok. I am indebted to Professor Chaiwat Satha-Anand, Associate Professor Thanet Wongyannava and Dr Dech Tangseefa, who not only answered my questions, but also encouraged me to think critically. In addition, I am thankful to my colleagues, Sasiprapha Chanthawong, Warapree Tangseefa, Yupaporn Tarungsri and Alisa Hasamoh for collegial discussions and support.

During my six-month fieldwork in Thailand between August 2014 and January 2015, I received assistance and hospitality from numerous people and organisations in Bangkok, Chiang Mai, and Tak province. I am grateful to Associate Professor Seksin Srivatananukulkit, former dean of the Faculty of Social Sciences, Chiang Mai University, for providing his advice and guidance to help me enter the refugee camps. I wish to express my deep appreciation to staff and representatives of Mirror Foundation (Mr Yutthachai Sae-Sae), Help Without Frontiers Thailand Foundation (Mrs Yuwadee Silpakit), the Stateless Children Protection Project (Mrs Sarunya Katalo), and the Tak Border Child Assistance Foundation (TBCAF) (Mr Rattanachai Sreekeereerad and Mrs Waralak Maneenud) as well as other informants for their rich information and knowledge provided during my fieldwork. With their support, I was able to visit several areas along the Thailand–Myanmar border. My heartfelt gratitude goes to a number of stateless youth and their parents who were key contributors to my research project. I am thankful to Saw

Poe Wah, Tu Tu and Ah Tul for their companionship and assistance in interviewing stateless Karen youth from the refugee camps. Furthermore, I would like to express my appreciation to research assistants: Chanin Sriwisut and Teerayut Teerasupaluck who helped me in the documentary research for this thesis, and collected the paper questionnaire survey after I left Thailand in January 2015. Similarly, I would like to thank my lifelong friends, Phailin Chaisangapong, Phenkwan Chumpookhum, Jutha Srivatananukulkit, and Pianpachong Intarat, for providing transportation and accommodation, and teaching me how to ride an auto-motorcycle. Without their assistance, my fieldwork would have been very challenging.

For my life at ANU, I am grateful to my PhD companions, Henri Sitorus, Thong Tran, Shelby Higgs, Rizki Fillaili, and Kwalimu Virobo, for support, discussion and friendship during my study at the ANU. I am thankful to staff and academics at the Department of Anthropology, especially Jo Bushby, for her generous support for my academic time in the School of Culture, History and Language (CHL), College of Asia and the Pacific (CAP), ANU. Editing advice was provided by Barbara Nelson, CHL. I would also like to thank the Thai student community at ANU who helped me start my life in Canberra by initiating entertaining activities, providing helpful information, and sharing joyful moments.

This study has been financially supported by the Thai Government Scholarship program for the Humanities and the Social Sciences of Thailand, Office of the Higher Education Commission, the Royal Thai Government, Thailand. In conducting fieldwork, I received research funding from the Department of Anthropology at the ANU College of Asia and the Pacific (CAP). I am also thankful to the Vice-Chancellor's HDR Travel Grants for providing me conference funding throughout my years at ANU which enabled me to attend an intensive workshop at Brown University, Rhode Island, USA, and the 8th Euroseas conference at the University of Vienna co-hosted with the Austrian Academy of Sciences in Vienna, Austria.

Most importantly, I thank my lovely family, Ladda and Narong Khaikham (my parents); Amaraporn Khaikham (my sister), and Rattana Chuaruen (my aunt) for their continued moral support and encouragement during my PhD journey.

Abstract

Many of the stateless children and youth who were born on the Thai side of the border to Myanmar parents have not been granted any legal status in either Thailand or Myanmar. Thus, they remain stateless. Their lack of human security is morally unacceptable especially in a world where cross border activities are natural and human rights are serious concerns for the global community. This research analyses the situation of statelessness in Thailand, identifies some of the key problems resulting from the lack of citizenship and its impact on stateless young adults in areas along the Thailand–Myanmar border. It sets out key challenges facing the Royal Thai Government (RTG) in relation to the concepts of Thai national security, human rights, and human security with regard to stateless young adults of Myanmar parents.

The research has employed mixed (qualitative and quantitative) methods to obtain a more comprehensive understanding of social facts regarding statelessness in Thailand. The research focuses on young adults aged between 18–24 years old who were born and live along the Thailand–Myanmar border in Chiang Mai province and Tak province. Qualitative methods such as participatory observation, focus group discussions (FGD) and in-depth interviews with some stateless youth, parents, teachers, NGO representatives and the Thai authorities were conducted in order to identify the problems resulting from lack of citizenship and its impact on stateless youth. Quantitative methods such as a set of questionnaires were employed to investigate the opinions of Thai respondents towards the stateless children and youth in Thailand.

The qualitative data discuss the causes and the impact of statelessness in Thailand concerning the concept of Thai citizenship and the dynamics of the Thai's national security policies towards stateless people. The data also suggest that stateless youth who were born in Thailand to migrant parents from Myanmar and who have lived in Thailand their whole lives, or at least for more than 10 years, would prefer to remain in Thailand and obtain Thai citizenship. During their stay, stateless youth have to negotiate their rights with the Thai government through four different aspects of life such as access to education and health care service, legal protection and the right to move which are limited by Thai law. Moreover, the application process to obtain Thai citizenship is difficult, complex and seemingly endless. It requires complicated supporting documentation and depends

heavily on the whims of local authorities. Importantly, this application process does not guarantee that an application for citizenship will be successful. In addition, the qualitative data demonstrate that most Thai respondents support these stateless youth being granted Thai citizenship, because they believe that granting Thai citizenship will assist stateless youth have more secure lives.

Finally, the research presents the results followed by policy recommendations from four perspectives: the legal perspective, the national security perspective, the human security perspective and the perspective of the respondents. The research recommends that the Thai state amend its national security policy concerning the stateless youth who live along the Thailand–Myanmar border in order to achieve better outcomes for this vulnerable group.

Key words: national security, human rights, human security, citizenship, stateless youth, forced migrants, borderlands, Thailand, Myanmar

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Abbreviations

Abbreviation	Description
AIPP	: Asia Indigenous Peoples Pact
ANU	: The Australian National University
APMRN	: Asia Pacific Migration Research Network
BMR	: Bangkok Metropolitan Region
BORA	: The Bureau of Registration Administration, Department of Local Administration, Ministry of the Interior
BRN-C	: Barisan Revolusi Nasional-Coordinate
CAP	: College of Asia and the Pacific
CCP	: The Communist Party of China
CHL	The School of Culture, History and Language
CPPCR	: The Committee for Protection and Promotion of Child Rights
CPT	: Communist Party of Thailand
CRC	: Convention on the Rights of the Child
DNA	: Deoxyribonucleic acid
FGD	: Focus Group Discussion
HDR	: Human Development Report
ICCPR	: The International Convention on Civil and Political Rights
ICJ	: The International Court of Justice
INGO	: International Non-Government Organisation
IRC	: International Rescue Committee
IRIN	: Integrated Regional Information Networks

Abbreviation	Description
IUCN	: International Union for Conservation of Nature and Natural Resources
JWG	: Joint Working Group
KMT	: Kuo Min Tang
KNU	: Karen National Union
LMTC	: Leadership and Management Training College
MEII	Migrant Education Integration Initiative
MLC	: Migrant Learning Centre
MOE	: The Ministry of Education
MOI	: The Ministry of Interior
MOU	: A Memorandum of Understanding
MSH	: Mae Sot Hospital
MTC	: Mae Tao Clinic
NGO	: Non-Government Organisation
NSC	: The National Security Council
NSCT	: The National Student Centre of Thailand
OECD	: Organisation for Economic Co-operation and Development
PIC	: Population Identification Code
PMO	: Prime Ministerial Order
PR	: Permanent Residency
RQ	: Research Question
RTG	: Royal Thai Government
SBPAC	The Southern Border Provinces Administrative Centre

Abbreviation	Description
TBC	: The Border Consortium
UNDP	: United Nations Development Programme
UNESCO	: The United Nations Educational, Scientific and Cultural Organization
UNHCR	: United Nations High Commissioner for Refugees

Glossary

Terms	Description
<i>Anakhet</i>	: Territory
<i>Bat si</i>	: Colour ID card
<i>Changwat</i>	: Provinces
<i>Karn klai pen Thai</i>	: Turning non-Thai subjects into Thai citizens or ‘Thai-isation’
<i>Karn suam sithi</i>	: Identity theft or illegal personal subrogation/substitution
<i>Kha htad hton</i>	: The action to break the link between illicit drug agencies
<i>Khetdaen</i>	: Boundary
<i>Khobkhet</i>	: Scope
<i>Khopkhanthasima</i>	: Boundary edge
<i>Krating Daeng</i>	: An extreme right-wing organisation in Thailand during the 1970s
<i>Maha Nakhon</i>	: Municipality
<i>Pondok or ponoh</i>	: The Islamic schooling system
<i>Rien chao khao</i>	: Hill tribe coins
<i>Sanchat</i>	: citizenship
<i>Thesaphiban</i>	: The administrative centralisation policy, introduced by King Rama V (1868–1910)
<i>Thiokhao Tanaosi</i>	: The mountain chain of the Tenasserim Hills
<i>Ya baa</i>	: Methamphetamine pills

Chapter 1: Introduction

1.1. Research Background and Context

Stateless children are among the world's poorest and most vulnerable people. Hidden in the back corners of the world, they are 'a scattered population of millions of nobodies, citizens of nowhere, forgotten or neglected by governments, ignored by census takers' (Mydans 2007). Perhaps the largest stateless population in the world is living in Thailand and Malaysia (Chia and Kenny 2012; Spindler 2016). According to Mydans (2007), 'many [stateless children] were born in remote areas on the border with Myanmar, and lack documents to prove that they, or one of their parents, were born in Thailand'. Although there is no reliable statistical evidence on the present number of stateless people worldwide, it is believed that Thailand has one of the world's largest populations of stateless persons, numbering approximately two to three and a half million (*Voice of America* 2015; Waas et al. 2015; Rakkanam 2017). The majority comprises over half a million so-called 'hill tribe' people and ethnic minority groups. Children of illegal migrants, especially those from Myanmar, form another major stateless group (UNHCR 2013a; *Voice of America* 2015).

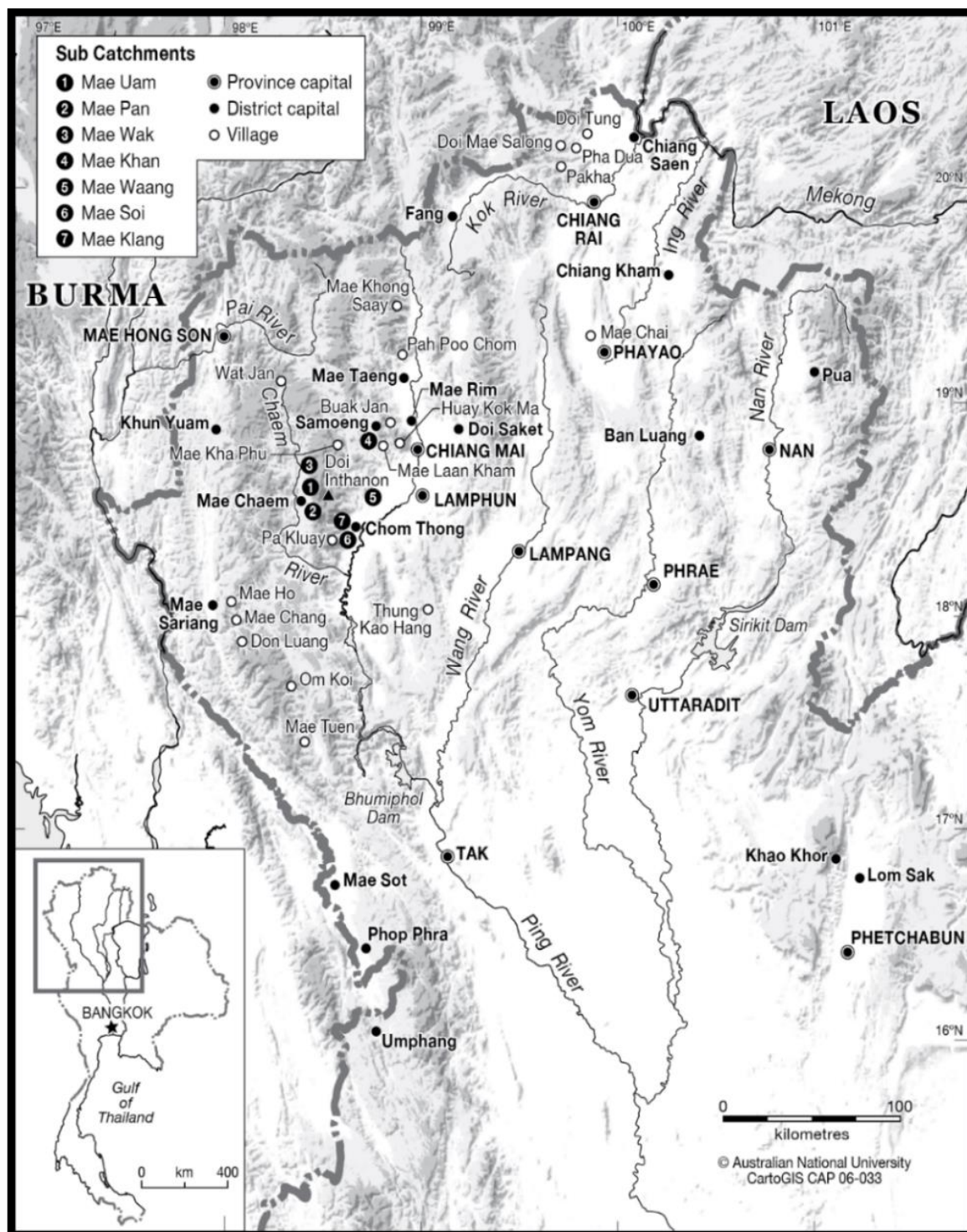
1.1.1. History of the Thailand–Myanmar Border

The movement of people has occurred throughout the history of mankind. People movement along the Thailand–Myanmar border is part of this phenomenon. These migrations originate from economic, social and political motives (Kukathas 2005).

Thai and Myanmar people moving back and forth across this area occurred before the border between these two countries officially existed. The nature of the relationship between Thailand and Myanmar is historically rich and complex. This goes back prior to the fall of Ayuthaya in 1569 (and again in 1767). In the period of nineteenth century imperialism in Southeast Asia, the boundaries of competing power domains resulted from negotiation among the colonial powers. In the past, the military power of kings was concentrated in the capital as the centre of power, and was weakest at the far periphery of the kingdom because, for Thai and Burmese kings, control of manpower and the allegiance of vassal provinces were far more important than control of territory. It was

thus more prestigious to conquer the centre of power in order to be able to manage people and resources, than to occupy the outlying territories (Chutintharānon and Tun 1995).

Figure 1.1: Catchment areas of northwest Thailand showing river systems, dams and elevation



Source: Carto GIS 2014a, CAP, Australian National University

Consequently, people who lived in the far periphery never considered themselves as Thais or Burmese because there was no clear idea of which countries occupied which territories. Thus they did not strictly belong only to one nation. Given that the Thailand–Myanmar border runs for 2,400 kilometres, people living on both sides have been doing their business and crossing the frontiers to meet their relatives and family for centuries as part of everyday activities. Historically, the boundary of sovereign authority could be defined without the agreement or ratification of another country. So both countries left the border corridor indeterminate, without including it in either country (Winichakul 1994).

During the period of colonisation, after the British invaded Burma¹ in 1824, the common borders among Southeast Asian countries gradually became established. British colonialism in Burma and French colonialism in Laos, Cambodia and Vietnam ‘forced Thailand to accept a new ordering of political space and a new regime of interstate relations built upon the principle of territorial sovereignty’ (Battersby 1998, p.474).

In *Siam Mapped* (1994), Thongchai Winichakul offers a clear explanation as to why the idea of a boundary was different between the British government in Burma and the Siamese court.² The British conquered the southern part of Burma in 1826. They made Arakan and Tenasserim provinces British. A British government official, Henry Burney, was in Bangkok in late 1825. He requested the court to appoint a high-ranking official to negotiate the western frontier of Siam (Winichakul 1994). According to Siam’s point of view, the issue was not urgent, because it was not certain at the time that the British would defeat the Burmese. The Siamese court simply replied

...no boundaries could ever be established between the Siamese and the Burmese. But the English desire to have these fixed. Let them enquire from the old inhabitants residing on the frontier of Mergui, Tavoy and Tenasserim, what they know respecting the contiguous territories, and let what they point out be the boundaries between the English and Siamese possession (*The Burney Papers*, Vol. 1, p. 154–155, cited in Winichakul 1994, p.64).

Bangkok had no interest in setting the boundary because this boundary issue only mattered for local people, not people in the capital, Bangkok. Moreover, according to another response of the Siamese court, the boundary establishment was not an important

¹ The term ‘Burma’ is used here for pre-1988 before the country’s official name was changed to Myanmar.

² The term ‘Siam’ is used here to refer to Thailand pre-1939.

concern. This is because the Siamese court believed that the natural boundary already existed since ‘the boundaries between the Siamese and Burmese consisted of the tract of mountains and forest, which is several miles wide and which could not be said to belong to either nation’ (*The Burney Papers*, Vol. 1, p. 122, cited in Winichakul 1994, p. 64).

The long stretch of mountains and hills dividing Thailand and Myanmar has served as a natural separation line. The Tenasserim Hills or *Thiokhao Tanaosi* in Thai, are the geographical name of a 1,700 km long mountain chain, which is in the northern section of both countries along the low-lying Kraburi River that runs along the southern border between Thailand and Myanmar. These natural separation lines have been the location for peoples of both kingdoms to exchange products and other necessities. Villagers come across with their home-grown produce or hand-sewn items. Most of the trade has been conducted without any government sanction, except at key trading posts accessible by road and to tourists, such as those in Mae Hong Son province, Mae Sot in Tak province and Mae Sai in Chiang Rai provinces.

Although Siam had notions of boundary, they were totally different from those of the Western point of view. According to Thongchai Winichakul (1994, p. 75), Siam did not lack the terminology and concept of boundary. However, none of these terms, such as *khobkhet*, *khetdaen*, *anakhet*, or *khopkhanthasima*, refers to a boundary line. They simply indicate areas, district, frontier and limit without a clear-cut sense of division between the two powers. These areas and their surroundings mattered for Siam only when the Siamese court was able to control and protect them. ‘A town may or may not have a common border connecting it with another town, let alone a line dividing the realms of two towns or countries’ (Winichakul 1994, p.75). In addition, the boundaries and guardhouses between two or more connecting towns meant nothing since the people on both sides of the boundary were allowed to travel or settle freely between the frontier areas (Winichakul 1994, p.76).

However, the use of Western-style political mapping techniques and the emergence of a modern Siamese state forced Siam to draw borderlines. As the practice of multiple loyalties in a single area is unacceptable in the modern state era, frontier people were forced to be included or excluded within clear territorial boundaries. The issue of ‘belonging’ became more important to state integrity and national security (Toyota 2006,

p.6). Eventually, the *Anglo-Siamese Treaty*, or *Bangkok Treaty of 1909*, between the United Kingdom and the Kingdom of Siam was established with the drawing of new national boundaries. This currently serves as the legal instrument which demarcates the 2,400-kilometre long border between Thailand and Myanmar.

Figure 1.2: Map of Myanmar and its border with Thailand



Source: Carto GIS 2014b, CAP, Australian National University

As a result, due to this imposed boundary, many Indigenous peoples were divided into different countries. This legal separation ignored traditional cultural and economic relations of the people living in-between the nation states. Consequently, ethnic minorities along the border areas were arbitrarily split. This separation eventually left a legacy of a poorly demarcated land border (Battersby 1998, p.474). Although politically the governments in Rangoon, Phnom Penh and Vientiane did not correspond to any territorial jurisdiction conferred by international law (Battersby 1998), people from different sides of the boundaries have been limited in travelling across the borders since the treaty of 1909. Nowadays, ten Thai provinces share the border with Myanmar: Mae Hong Son, Chiang Rai, Chiang Mai, Tak, Kanchanaburi, Ratchaburi, Petchaburi, Prachuap Khiri Khan, Chumpon and Ranong.

1.1.2. Thailand's National Security Policies

The concept of national security in the Thai context is controversial and has changed over time. It is a sensitive concept 'and one that transcends the boundaries of the kingdom' (Karunan 1997, p.75). Thailand has often had conflicts with neighbouring countries such as Laos, Cambodia and Myanmar. The military has often exaggerated this external security threat 'in order to cover up its own involvement [in internal crises] and to provide justification for its continued hegemony in Thai politics' (Karunan 1997, p.75).

The Thai state's misuse of the concept of national security has been evident in its history. As a result, Thai politics today are dominated by the power struggle between the Thai elites, the military-bureaucracy and the capitalist-politicians (Karunan 1997, p.76). In 1932, the military played a central role in the Siamese revolution to create the modern state by ending the absolute monarchy. It was believed that the military acted in the true interests of the people. McCargo (2002), Chaloeontiarana (2007) and Farrelly (2013) demonstrate that the Thai state's national security policy gradually changed due to shifts in the balance of elite power in Thailand. However, the political power 'moved no farther down than to the bureaucracy, civil and military, and the social structure as a whole did not change much' (Chaloeontiarana 2007, p.115). In the Thai context, national security discourses are essentially incoherent. They are used to serve the immediate interests of the military and defense elite (McCargo 2002, p.55). As one can see from Thai history, the military and national security concepts are misused by the Thai political elites to

protect their privileges and interests, as well as to maintain their position in the political arena, rather than to confront genuine threats to the nation. Essentially, Thai national security policies are for domestic control, rather than to confront any external threats. Thailand's military is an armed bureaucracy, which does not fight external wars. It has not fought an independence struggle or defended national sovereignty. 'The pursuit of security, as understood from the perspective of the Thai military, has sometimes amounted to finding strategies to avoid having to fight anyone' (McCargo 2002, p.51). The military has used various strategies in order to build up its internal power, because the development and strengthening of the armed forces and national defense capability in safeguarding the sovereignty and security of the state are major policies of Thai national security (Office of the National Security Council 2015).

(1) Thailand's Coups D'état

During the Vietnam War era (1962–1975), the Thai military forged a powerful alliance with the United States so that it could benefit from American aid and training. Resources from the United States 'helped to bolster the prestige of the armed forces, and also enabled senior military officers to build up their own political and economic power bases' (McCargo 2002, p.51). In politics, the military did not hesitate to be a base for staging coups d'état. According to Farrelly (2013), Thailand has experienced sporadic military interventions, with 12 successful coups and several coup attempts, since the 1932 revolution (Farrelly 2013, p.281). As McCargo (2002, p. 52) points out, the military has 'consistently claimed for themselves high political office (many of Thailand's prime ministers have had a military background), and a share in the running of the country', although it pretends to be supportive of the national interests of the people.

Farrelly (2013) also agrees with McCargo (2002) in arguing that episodic military interventionism, supported by significant and persistent military influence in politics, is now part of a distinctive elite coup culture (Farrelly 2013). In other words,

the persistence of military interventionism in Thai society is explained by the links between the army and the palace, by the relative tolerance of Thai decision-makers for coups, by relations among economic elites and by the consistent support that all governments - even military governments - have received from foreign partners (Farrelly 2013, p.293).

For instance, the 2006 coup d'état by army Commander-in-Chief General Sonthi Boonyaratglin seized power from the elected government of Thaksin Shinawatra. This

military action was justified primarily on the basis of the Thaksin government's corruption of the democratic process and 'the stresses and strains imposed as he exploited social division for political gain' (Ward 2007, p.1). Moreover, it was believed that military intervention may have a positive impact on the deep-south Thailand conflict, where Muslim separatist insurgency has occurred since January 2004 (Ward 2007). On the other hand, McCargo (2005, p. 499) understands Thai politics during 1973–2001 as 'network monarchy' because of a strong connection with the palace. For McCargo (2005, p. 499), Thaksin's power declined because 'he sought to displace network monarchy with new networks of his own devising'. Satha-Anand (2007) also argues that as a powerful civilian prime minister, Thaksin Shinawatra enhanced the government's strength and legitimacy after his electoral victory in 2001. Nevertheless, his style of being a businessman combined with politician appeared to be a threat to the country's traditional powers (Satha-Anand 2007, p.186). As a result of the conflict with royalist and elite networks, the Thai Rak Thai government was overthrown by the military coup in 2006 (Jory 2011, p.557)

The current military coup launched on 22 May 2014 is seen as an attempt to break down the political deadlock between competing elites. At that time, due to the clash between protestors and pro-government groups on the streets of Bangkok, civilian government led by Yingluck Shinawatra from the Pheu Thai Party (PTP) dissolved the House of Representatives in December 2013. A massive political demonstration shut down most of the government at the end of 2013. On 7 May 2014, Yingluck Shinawatra was removed from office by the Constitutional Court (*Independent* 2013). Martial law was declared before the coup was launched. Coup leader, Army Commander General Prayuth Chan-ocha, vowed to solve the political deadlock and reform the country. The coup was justified on the grounds that it brought back stability and order. It enabled government officials to return to their offices, and allowed Bangkok residents to resume their everyday activities (Prasirtsuk 2015, p.203). However, after three years in power, the military still 'kept tight control, suppressed all opposition and outlawed all debate in order to push through a large-scale programme of change' (Baker 2016, p.390). A national election is not likely in the foreseeable future. In conclusion, the concept of national security in Thailand has been 'manipulated as a means of securing the privileged political standing of the military, and to justify an extension of the military role into a wide range of political

arenas' (McCargo 2002, p.53). This military intervention was performed to address the political crisis and halt the street rallies that had become more violent and likely to cause deaths and injuries (*BBC News* 2014). It is likely this latest coup was also a pre-emptive strike to ensure that there was no civil unrest at the change of reign which occurred in 2016.

(2) The Communist Insurgency in Thailand

During the Cold War, the military, as defenders of the country against communism, was involved in combating the communist threat, both from external and domestic sources (Baker 2016). The Communist Party of Thailand (CPT), closely aligned with the Communist Party of China (CCP), began the armed struggle in Thailand in the 1920's (Bartlett 1973, p.42). At first, the Royal Thai Government was under little pressure to counter Communist activities, because the CPT efforts prior to opening of the armed struggle did not pose a serious threat. However, in August 1965 the CPT adopted armed insurgency and launched operations throughout the country (Karunan 1997, p.63). This armed struggle posed an entirely new set of problems for the government. The operative laws therefore focused on Communist-like behaviour, considering it 'posed a threat to the nation, its religion, and its monarchy' (Ettinger 2007, p.663). By 1973 the Thai government considered the CPT as a major threat.

The seriousness of the situation is mirrored in both the size and scope of the combat operations being conducted against the Communist guerrillas, and in the suspension of the constitution between 17 November 1971 and 15 December 1972; the latter measure being described as necessary to eliminate subversive elements in the government (Bartlett 1973, p.49).

During the five decades of combating the CPT (1920s–1970s), the Royal Thai Government (RTG) employed every possible means including three battles in 1973 against the hill tribes in the north, the Thai-Lao and Vietnamese of the northeast and insurgents in southern Thailand (Bartlett 1973, p.48). During these battles, over 12,000 Royal Thai Army troops were employed to search out and destroy an estimated 300–500 Communists. After nearly six weeks, the Thai government announced casualties of 30 soldiers killed and 100 wounded, while Communist deaths were more than two hundred (Bartlett 1973, p.42).

At that time the Thai government led by General Thanom Kittikachorn and Field Marshal Sarit Thanarat (1 January 1958–14 October 1973) was a military dictatorship. After

waiting for a promised democratic constitution, demonstrations of around 100,000 protesters, led by the Thai democratic students, occurred in 1973 to pressure the military government to move towards democratic governance. When the government chose to take military action in Democracy Boulevard, Thammasat University and Sanam Luang, the whole nation went into shock (Ettinger 2007, p.671). The military government was asked to step down by King Bhumibol Adulyadej (King Rama IX, 1946–2016) (Ettinger 2007, p.671). The demonstration is known nowadays as the popular uprising of 14 October 1973.

The victory of the Thai democratic student movement brought widespread democratic inspiration to Thai people in the brief period of democratic rule between 1973 and 1976 (Karunan 1997, p.64). During this time, the CPT became popular among radical students and professionals, especially in 1975. By 1976 the Thai Government was worried about the implications of the fall of Indochina to the Communists. The Thai Right-wing or the Red Gaurs (Krating Daeng), was organized and began to circulate anti-Left propaganda. Later on in October 1976, demonstrations against Thanom Kittikhachon's return to the country were led by the National Student Centre of Thailand (NSCT) which was believed to be Thai Left-wing. The conflict between the Thai Right-wing and the leftist leaning students broke out when the right-wing groups and border patrol police invaded Thammasat University and Sanam Luang 'and brutally killed many people' (Satha-Anand 2002, p.237) early in the morning of 6 October 1976. This event is known as the Thammasat University Massacre, or Massacre of 6 October 1976.

After that event, Thai progressives in academia and politics went into hiding. Fearing for their lives, many students fled to the jungle. This group requested to join the CPT against the Bangkok government (Ettinger 2007, p.674). As a result, the CPT gained over 3,000 of Thailand's brightest and best left-leaning students, teachers, intellectuals, labour leaders, politicians, workers and peasants. They joined the People's Liberation Army of the CPT in the jungle (Karunan 1997; Satha-Anand 2007). Ettinger emphasises that this was 'a great leap forward for the CPT' (Ettinger 2007, p.674).

In the 1980s, the Royal Thai Government of General Prem Tinsulanonda employed its peace-line strategy led by General Chawalit Yongchaiyut and Colonel Han Phongsitthanon to combat the CPT, which was already a spent force after political changes in China following the death of Mao Tse-tung in 1976. Prime Ministerial Order No.

66/2523, or PMO 66/23, was issued in order to promote broad-based political stability for Thailand (Bunbongkarn 2004; Ettinger 2007, p.670). It allowed radicals to emerge from the jungles on their own volition and be granted amnesty (Karunan 1997, p.64). By 1980, there was no further support from mainland China, or Vietnam for the CPT. According to Ettinger, 'the Maoist Communist Party of Thailand did not pretend to go away, but it did disappear. No Communist Party meetings were held after 1980 and most of its leaders died of old age. Thailand's defeat of the CPT is complete' (Ettinger 2007, p.677). The 'communist threat' is therefore no longer a justification for Thailand's national security policies or military domination of Thailand's political life.

(3) The Illegal Drugs Trade

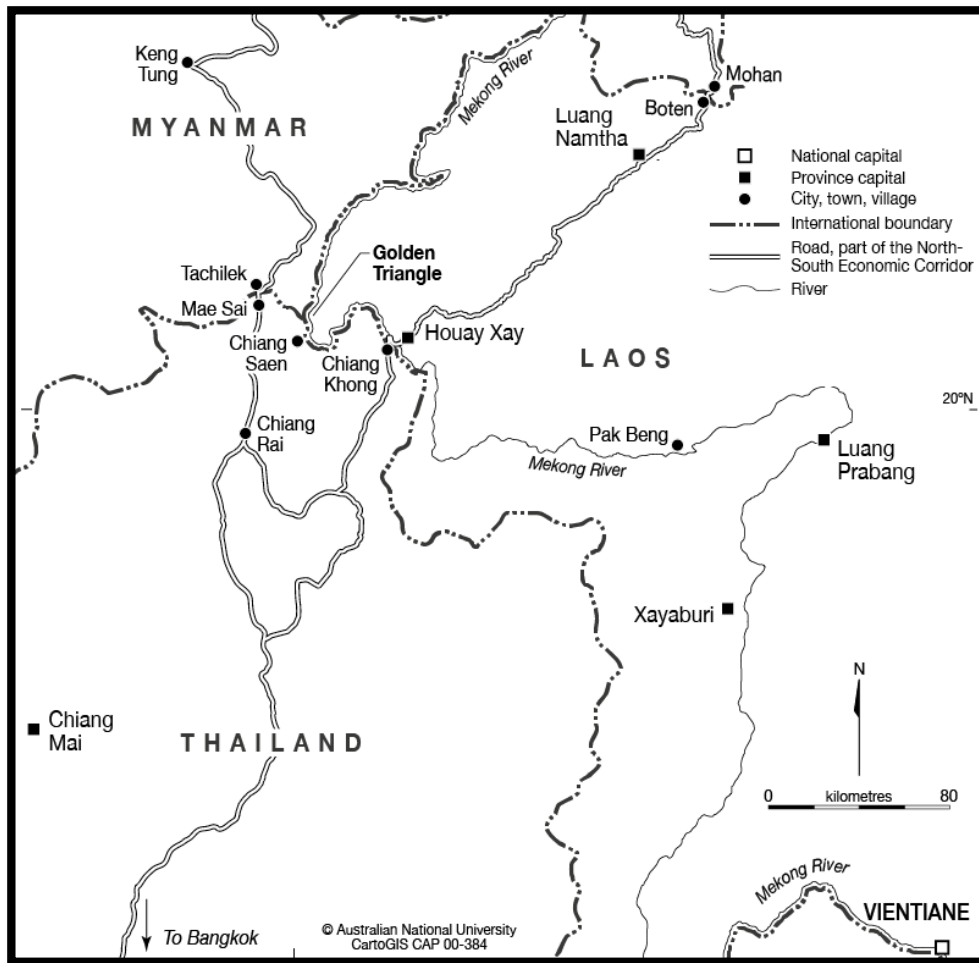
After the election of the Thaksin-led government in early 2001, Thailand's national security policy changed significantly due to Thaksin's controversial campaign against the illegal drugs trade. Starting on 1 February 2003, the campaign primarily aimed to reduce the substantial increase in methamphetamine pills (*ya baa*) from Myanmar which have been widely used by people of all ages throughout the country since the mid-1990s (Head 2003; Vongchak et al. 2005). The policy focused on major smugglers along the borders, especially the spiralling traffic of illicit drugs in areas such as the Golden Triangle, the border area of Thailand, Myanmar and Laos, and on small dealers peddling in bars and clubs (*BBC News* 2002; Moodley 2015). This policy had huge effects on Thailand and neighbouring countries' relationships because the government believed that the drug's extensive availability and use throughout Thailand was a result of the increased production and trafficking of methamphetamine, predominately from the neighbouring country of Myanmar (Vongchak et al. 2005, p.116).

The war on drugs created tremendous pressure on many segments of Thai society. The responsibility on local leaders to produce lists of resident drug users and dealers resulted in widespread fear of, and discrimination towards, all drug users (Vongchak et al. 2005, p.116). From February to the end of April 2003, governors of all 75 provinces³ nationwide were ordered to cut by at least 75 per cent the number of suspected drug dealers on a

³ At the time of the War on Drugs, Thailand had 75 Provinces, before Bueng Kan Province was established by the *Act Establishing Changwat Bueng Kan*, BE 2554 (2011) on 23 March 2011. Currently, Thailand consists of 76 *Changwat* (provinces) and one *Maha Nakhon* (municipality), Bangkok.

blacklist. Any governors who failed to reach such targets would be transferred for neglecting their duties. To meet the target, the authorities were operating an unofficial and illegal ‘shoot to kill’ policy towards suspected dealers (Head 2003; *BBC News* 2003; Chin 2009).

Figure 1.3: The border area of Myanmar, Thailand and Laos showing the central location of the Golden Triangle



Source: Carto GIS 2017, CAP, The Australian National University

As a result, the campaign caused irrevocable damage to people’s reputation, property and lives (Suwannawong, Flynn and Muanmoonchai 2008). The campaign led to allegations, illegal searches, beatings, abuse and deaths of highland individuals caused by the general belief that ‘hill tribes are involved with the drug trade because of their traditional cultivation and use of the opium poppy’ (Minority Rights Group International 2008). Approximately 2,500 people died as a result of alleged extrajudicial killings during the anti-drugs campaign (Ilchmann 2003; *The Economist* 2008). This anti-drugs campaign in

Thailand attracted widespread condemnation from domestic and international human rights groups due to extensive human rights violations (Hayashi et al. 2013). The human rights groups were worried about the way that the government was conducting its crackdown on drugs and that the government failed to identify or punish any of the perpetrators of these crimes (Dabhoiwala 2003; Human Rights Watch 2004)

(4) Border Conflict between Cambodia and Thailand

As mentioned above, Thailand has often had conflicts with neighbouring countries. The border dispute between Cambodia and Thailand, for example, can be traced back many centuries. The roots of the Preah Vihear Temple dispute lie not in Cambodia's ownership of Preah Vihear Temple, but that both countries have laid claim to the adjacent 4.6-square-kilometre piece of land which lies in maps drawn up in 1907 during French colonial rule (*ABC News* 2013a). However, the tension arising from the border dispute between Thailand and Cambodia in 2008 is closely associated with Cambodia and Thai nationalists, domestic politics and the use of military force to protect sovereignty within Thailand's borders (Croissant and Chambers 2011; Sothirak 2013; Lee 2014).

In April 2009, soldiers from both sides exchanged fire across the disputed border. Both countries have tried to settle their dispute through various approaches, such as a Memorandum of Understanding (MOU) in 2000 and a Joint Working Group (JWG) in 2011. However, the conflict became serious in February 2011 when at least eight people were killed in several days of fighting (*BBC News* 2013). With many casualties, property damage and the displacement of tens of thousands of civilians during the heavy fighting between the two countries, in November 2013, the International Court of Justice (ICJ) interpreted a 1962 ruling that 'Cambodia had sovereignty over the whole territory of the promontory of Preah Vihear' (Koh 2013). Although the situation on the border has improved, Sothirak (2013, p. 96) points out that

...the selection of a preferred settlement mechanism will remain a difficult choice. The dispute may drag on for many years as long as the respective governments of Cambodia and Thailand remain unable to subdue the forces of nationalism and are unwilling to compromise with each other.

Consequently, the Thai and Cambodian troops were withdrawn from that territory. Thailand's former Prime Minister Yingluck Shinawatra agreed to hold talks with Cambodia over the issue by emphasizing that she would protect her country's interests.

‘The government has asked *the military*⁴ ... to take care of peace along the border’ (*ABC News* 2013a) as conflict with neighbouring countries is considered a major threat to national security.

(5) Transnational Crimes and International Terrorism

During 2003–2006, Thailand experienced new forms of threat to its national security as a result of the global phenomena of transnational crime and international terrorism. The increasingly violent problem in the poorest southern provinces of Thailand is a good example of the failure of national security policy and nation-building in Thailand. Political violence in the ‘Deep South’ of Thailand today stems from the occupation of the Patani Kingdom⁵ by Ayutthaya⁶ during the eighteenth century, followed by Siam’s control since the foundation of the Chakri Dynasty in 1782 (Storey 2008, p.33). Its incorporation with the modern Thai nation-state in 1906 occurred after the administrative centralisation policy called the *Thesaphiban* system was introduced by King Rama V (1868–1910) (Satha-anand 1993, p.195).

The majority of people who live in the ‘Deep South’ provinces of Thailand are Malay Muslim. The separatist sentiment of local Malay Muslim people has been rising since the failure of Thai government policy which in the early twentieth century sought to coerce local Malay Muslims to become Thai Muslims.⁷ Moreover, the government lacks interest and investment in the south, resulting in ‘poor governance, maladministration, and political and economic marginalization’ of Malay and Thai Muslim people (Storey 2008, p.31).

Violence emerged and continued in the southern border provinces of Pattani, Yala and Narathiwat for many decades. In late 2001, the violence became a major focus of domestic and international concern. In 2002 the Thaksin Shinawatra government

⁴ Italics added by the researcher.

⁵ The Kingdom of Patani consisted of Yala, Pattani, and Narathiwat. It was founded in the mid-fourteenth century and converted to Islam one hundred years later (Storey 2008, p. 33).

⁶ The forerunner of the modern Thai state.

⁷ Especially under Field Marshal Plaek Phibunsongkhram’s regime, the nation-building program was carried on from 1938 to 1944 and 1948 to 1957. This program includes its mantra of nation, religion and king (i.e. the Thai nation, Buddhism and King Bhumibol Adulyadej). The government controlled the Islamic schooling system (*pondok* or *ponoh* system), and ‘Bangkok tried to alter the demographics of the southern provinces by encouraging and facilitating the resettlement of Thai Buddhists from the northeast of the country’ (Storey 2008, pp.33–34).

abolished the Southern Border Provinces Administrative Centre (SBPAC) which enabled cooperation between local Muslim leaders and government officials. This replacement of local military by the police force for security control added significantly to the southern conflicts (Kitiyadisai 2008) which intensified following a weapons heist in January 2004 (McCargo 2010, p.261). Hence, national security policy 2007–2011 has focused on internal security and stability. The underlying context of the policy reflects the strong perception that Thailand will be confronted with internal and external risks to internal security (Office of the National Security Council 2007).

However, the outcomes have shown that the security strategy worked better when it dealt with external rather than internal sources (Chongkittavorn 2012). The political conflicts after the 2006 coup remain and manifest themselves in various forms in the country. Violence and damage in the southern provinces, mainly caused by political divisions, have remained the same. Although on 28 February 2013 in Kuala Lumpur, the Thai government signed an agreement to initiate peace talks between the Thai National Security Council and Barisan Revolusi Nasional-Coordinate (BRN-C), one of the major separatist groups in southern Thailand, there is still no ceasefire agreement and a political settlement is still far away (Engvall 2013).

(6) Stateless People as a Threat to National Security

National security policy has impinged on the statelessness of many people living in Thailand. The situation of statelessness in Thailand occurred mainly as a result of political conflict in Myanmar and the complexity of laws that prevent children obtaining citizenship.

Current ethnic minority people from Myanmar, especially Karen and Shan, have been displaced to Thailand due to armed conflict inside Myanmar. It is estimated that today nearly 400,000 refugees from Myanmar reside in ten⁸ refugee camps or in villages along the north-western border inside Thailand. Currently more than 30 per cent of 140,000 people, or approximately 42,000 people, who live in nine UNHCR refugee camps, are young people between 10–24 years (Benner et al. 2010). Although temporary shelter

⁸ The numbers of camps are different in different sources. UNHCR identifies nine camps along the Thailand–Myanmar border. This excludes the unofficial Wieng Heng Shan refugee camp in Chiang Mai Province due to a small number of refugee residents.

areas, a.k.a refugee camps, are difficult places to live, many older people have lived in the camps for so long that they can hardly remember their homeland, and thousands of new babies have been born in the camps and have never left. According to the number of registered refugees, these are 22.1 per cent female and 22.6 per cent male aged younger than 17 years living along the Thailand–Myanmar border (UNHCR 2008). Besides, approximately 100,000 stateless children live in the border towns of Mae Sot and Ranong (Polutan 2012). However, no official data is available to indicate how many children have been born in the camps along the Thai side of the border.

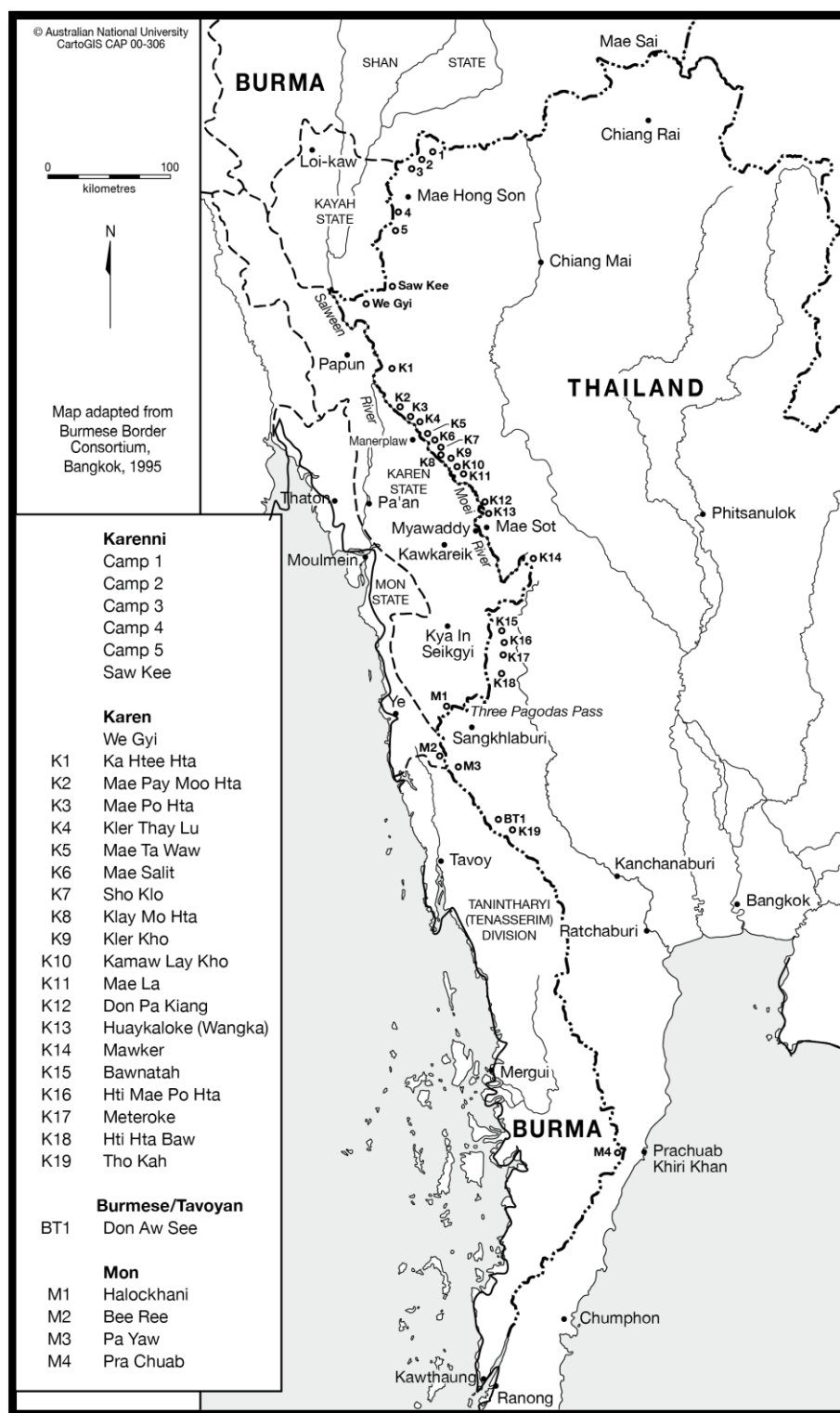
Temporary shelter areas are the only reality that many young children along the Thai side have ever experienced.

They have grown up isolated in a closed setting with little access to the outside world with notable systematic aid dependency by receiving shelter, food, health services and education from the Thai government and the international community (Benner et al. 2010, p.2).

In the shelter areas, many children and young adults not only live with the absence of formal education⁹, appropriate health care services and job opportunities that can ensure young people's right to a healthy and productive life (Benner et al. 2010, p.2), but they also have not been granted any legal status in either Thailand or Myanmar. Thus, they remain stateless (Sukkhaphap, Raengngan and Chattiphaa 2006).

⁹ On the other hand, religions such as Burmese Buddhist, Christian or Animists, as traditional social norms, strongly influence the daily life, behaviour and informal education of the refugee residents (Benner et al. 2010).

Figure 1.4: Thai border camps in 1995¹⁰



Source: Carto GIS 2016a, CAP, Australian National University

¹⁰ This map shows refugee villages in 1995 before they were consolidated into nine 'temporary shelters' as today (Bowles 1998).

Thailand's complex laws obstruct children from obtaining citizenship. They are underpinned by reasons of national identity and, importantly, national security (Office of the National Security Council 2015). On the Thai government side, official documents show that stateless people, as individuals without legal status, are considered a threat to national security by the Thai government. According to the Policy Statement of the Council of Ministers made by Prime Minister Yingluck Shinawatra in 2011, national security is intended to

... resolve the problems of ... human trafficking, illegal immigration, illegal foreign workers and individuals without legal status by improving preventive measures and law enforcement including laws on the prevention and suppression of money laundering; ensure fairness and improve surveillance *so that it does not affect national security*¹¹... (Shinawatra 2011, p.10).

Furthermore, since mid-2006 Thailand has allowed the registration of very few refugees in the camps and more than a third of the camp population is currently unregistered (Human Rights Watch 2012). Therefore, refugees and stateless children remain in the country without legal status, because they are not only ineligible for resettlement and for most university scholarships abroad, but also considered by the Thai state to reside illegally in the country (Office of the National Security Council 2015; Burma Link 2017).

The lack of legal status of the Thai and Myanmar migrant children generally means that they not only lack access to social support such as health care services and formal education, but also that they are not protected by law. They are also prone to being a target for violence, abuse and exploitation which includes trafficking.¹² In this regard, these non-citizen migrants without legal documentation are some of the most marginalised and vulnerable people in Thai society.

There is a growing number of stateless children in Thailand. According to UNHCR (2013a: 231), Thai government official data 'indicate that some 506,200 people were deemed to be without a nationality, or stateless, as of 31 December 2011'. Most of the stateless people reside in the northern region. Many are members of hill tribes. Others are

¹¹ Italics added by researcher

¹² Violence, abuse and exploitation take various forms such as child labour, child soldiers, child trafficking, marriage at an early age and sexual exploitation of children. It is also true, however, that some socio-political or economic environments surrounding children drive them to make choices that result in violence, abuse and exploitation (Wangsiriphaisan et al. 2010; UNICEF Thailand 2017).

migrants from Myanmar due to political instability since 1988 and armed ethnic struggles in Myanmar. Most of them do not have evidence of Myanmar citizenship, ethnic minorities who have registered with civil authorities, previously undocumented minorities and displaced persons residing in border camps.

According to the Thai law, migrants who migrated to Thailand between 3 October 1985 (B.E. 2528) until 15 September 1999 (B.E. 2542) can register an additional name in the household registration and then apply for Thai citizenship, as can migrant children born before 1992. In the latter case, they must have proof of their birth in Thailand, like the testimony of a midwife or neighbour. This is part of government policy to categorise non-Thai migrants according to one of the 16 types of identification cards discussed in chapter 4.

On the other hand, a large number of people who migrated to Thailand after 15 September 1999 (B.E. 2542) and some children born after 1992 can only submit an application for people without registered legal status. This legal status gives them permission for temporary residence in Thailand but they cannot become Thai citizens (UNESCO 2008). It is worth noting that during 1997–1998 Asian countries, including Thailand, experienced financial crisis. Later in 1999, the *Foreign Business Act B.E.2542* (1999) was released to limit foreign ownership of certain Thai industries. Only Thai citizens are eligible to have majority ownership of these industries, a part of economic security (*Foreign Business Act B.E. 2542* 1999). As a result, it has become more difficult for migrants to apply for Thai citizenship since then.

In 2009, Prime Minister Abhisit Vejjajiva made it clear that the attempt to enter the kingdom by the boat people from Bangladesh and Myanmar (Rohingya) subverted Thailand's national security. The Prime Minister assigned the Ministry of Defence to monitor the moves of the Rohingya, a Muslim ethnic group of the Northern Rakhine State of Western Myanmar, because these people intended to make landings along the Andaman coast. According to *Asia News Monitor* (2009a), Thai officials detained these people and later forced them back to the ocean without adequate food, water or power for the boat engines. They were exposed to human trafficking, and some were killed in the jungle in 2015 (Chang 2015; Stoakes 2015). Obviously, this infringed Human Rights principles, but the Thai government clarified that the authorities had done their best in

accordance with the principles (*Asia News Monitor* 2009b). In fact, Thai authorities had assumed that these people entered the kingdom to seek better lives and were therefore economic migrants. They were thought to be likely to commit crimes, if they could not find a decent job. The Thai authorities therefore have resorted to ‘every means’ in an attempt to shut the door on stateless people including depriving them of the legal status of citizenship (*The Nation* 2013, *ABC News* 2016).

In 2013, the Ministry of Interior (MOI) proposed a draft ministerial regulation concerning stateless children who live in Thailand (Asian Human Rights Commission 2013). Under the regulation, children and adults born in Thailand to non-Thai parents will be deemed to have entered and resided in Thailand without permission under the *Immigration Act B.E. 2522* (1979). Particularly since Thailand’s coup in May 2014, the military government has paid more attention to illegal migrants, as it claims that illegal labourers are a threat to Thailand. According to the Ministry of Labour, migrant workers in the fishing industry which employs a large number of Cambodian and Myanmar migrant crews, are an urgent problem that must be solved immediately (Ministry of Labour 2015). Due to an attempt to regulate the migrant labour population, Thailand’s junta government expects to register all foreign labourers within one year. All undocumented migrants will be arrested and deported, if they are found (Hodal 2014). In temporary shelter areas, the Thai military government cooperated with the Myanmar government to undertake a headcount in the nine refugee camps for a repatriation programme (*Fox News* 2013).

In January 2017, *Notification of the Ministry of Interior on granting Thai citizenship to persons born in the Kingdom of Thailand to alien father and mother in general and specific cases* was released. This law allows stateless people who have lived in the country for more than 15 years to apply for Thai citizenship. However, the conditions for eligible applicants are very strict: they must be born in Thailand to parents from ethnic minority groups and be registered by the Ministry of Interior; they must have lived in Thailand for more than 15 years continuously; or they were born in Thailand to members of foreign groups and have graduated from university (Rakkanam 2017). With the strict criteria, most stateless adults and youth are ineligible to apply for Thai citizenship and continue to be categorised as illegal migrants. Stateless children and youth, who do not have the opportunity to go to Thai public schools and attend university, can also be forced to leave

the country involuntarily. This will be the case even though they were born in Thailand. They have no right to move internally, be citizens, or to stay in Thailand.

1.2. Research Objectives and Research Questions

1.2.1. Research Objectives

The objective of the research is to explore the concept and practice of citizenship related to the Thai state's national security policy and its impact on stateless young adults along the Thailand–Myanmar border. This research also explores the opinions of Thai citizens to support or not support these stateless young adults to gain Thai citizenship. The research has four specific objectives:

1. To identify the causes of statelessness in Thailand and discuss the impact of statelessness on stateless young adults living along the Thailand and Myanmar border;
2. To investigate the Thai state's management of the situation of statelessness and the dynamics of the Thai state's national security policies towards young adults living along the Thailand and Myanmar border;
3. To reveal the opinions of Thai citizens to support or not support these stateless young adults to gain Thai citizenship and investigate reasons underlying their opinions; and
4. To propose policy recommendations for balancing national security, human rights and human security to benefit Thai citizens and young adults along the Thailand–Myanmar border.

1.2.2. Research Questions

Four research questions guide the study:

1. What are the causes of statelessness in Thailand and the impact of statelessness on young adults living along the Thailand and Myanmar border?
2. How does the Thai state manage the situation of statelessness and what are the dynamics of the Thai state's national security policies towards young adults living along the Thailand and Myanmar border?

3. What are the opinions of Thai citizens relating to the issue of stateless children and young adults? Do they support or not support these children and young adults to gain Thai citizenship and why?
4. How should the Thai state balance its national security, human security and human rights obligations for stateless young adults in responding to their right to be citizens and to stay in Thailand?

1.2.3. Research Hypothesis

The research hypothesis is that stateless youth who were born to migrant parents and have lived along the border of Thailand and Myanmar for more than 10 years are more likely to prefer to remain in Thailand and obtain Thai citizenship.

1.3. The Contributions of the Study

The study aims to make at least four contributions to knowledge. Firstly, the research discusses the theory of citizenship in the context of, and its impact on, these stateless children and young adults along the Thailand–Myanmar border. There is literature available from different disciplines on Myanmar forced migrants and displaced peoples along the Thailand–Myanmar border. However, the mainstream study of statelessness, or refugees, in Thailand overlooks the existence of stateless children and young adults along the border. Unlike general migrants or refugees, stateless children do not receive national and international recognition or aid. In some countries, stateless children are born, live and die as practically invisible people (Lynch 2008). In this case, they are stateless because of the Thai state's unwillingness to recognise children of parents who were displaced by armed conflict. For instance, a fire accident in refugee camps in Mae Surin, Mae Hong Son province, north-west Thailand, on 22 March 2013 was ignored by the Thai government (*ABC News* 2013b). Some people were killed and approximately 100 people injured, mostly women, children and the elderly. It may not have been an accident; however, the Thai authorities believed that the fire was sparked by an unattended cooking flame and did not take immediate action simply because the victims were not considered to be Thai citizens (Tan 2013). These issues of citizenship and statelessness will be the focus of in-depth investigation.

A second contribution is the study's contemporary applied nature. This research investigates the recent situation of stateless children and young adults who were born along the Thailand–Myanmar border and who have lived and experienced the difficulty of being stateless. In 2015, the government accelerated the repatriation programme with a view that all camps would be closed as soon as possible. Initially, the headcount in the temporary shelter areas conducted by local Thai authorities raised fears among refugees and international concerns that refugees would be forced to return to Myanmar (Sullivan 2013; *Reuters* 2014; Naing 2014; Win 2014). The situation changed when the first group of 68 Myanmar refugees from Tak and Ratchaburi provinces voluntarily returned to Myanmar with the endorsement of the Thai and Myanmar governments (Lefevre 2016). Although it is too early to see the long-term consequences, this research aims to help the Thai government create suitable national policies and appropriate plans to address the current problem of statelessness for these displaced people.

A third contribution of the study is its multiple complementary perspectives. This study elucidates the perspectives of two groups: stateless young adults and the Thai respondents. This study bridges an important research gap by considering Thailand as a host country taking responsibility for these stateless young adults regarding the right to stay and to be granted citizenship. A quantitative questionnaire survey reveals Thai respondents' opinions whether or not they support granting citizenship to these stateless young adults. The questionnaire survey is designed to capture not only their answers, but also provide an opportunity for Thai respondents to explain important reasons behind their decision. The results from this survey help inform policy recommendations on the national policies relating to statelessness.

Finally, this research investigates the Thai Government's recent policies on national security relating to stateless young adults. In 1972, Thailand's *Nationality Act B.E. 2508* (1965) was radically changed to prioritise the 'protection and preservation of national security' (Tang 2005, p.163). This research seeks to investigate the reasons underpinning this change and attempts to provide an explanation for Thai national security policy towards stateless youth who were born and have lived inside the country. The reasons behind national security policy will enable us to explore justification for the Thai state's decision. In conclusion, the research aims to suggest a suitable way of balancing national security, human rights and human security to encourage the Thai state to amend its

nationality law and national security policies by granting citizenship to the stateless youth who were born and have lived in Thailand for many years. The research suggests that full rights of citizenship will make these youth less vulnerable.

The research contributes to the knowledge of citizenship, statelessness, national security policies of the Thai state and public opinion about stateless youth and the discussion of the current situation of stateless youth in Thailand. Stateless young adults along the border are able to express their thoughts and the opinions of local Thai citizens are heard. The mixed method design provides empirical data with policy suggestions on how the Thai government might amend its national security policies.

1.4. Chapter Outline

The thesis consists of eight chapters, each of which responds to a separate question of the research:

Chapter One: Introduction provides an insightful discussion of the research context. Research questions, research objectives and research contributions are also discussed in this chapter.

Chapter Two: Literature Review provides and discusses previous and contemporary studies that are relevant to the research topic. The discussion involves the theory of citizenship, existing research on stateless youth along the Thailand–Myanmar border and how the research contributes to bridging the research gap on this issue.

Chapter Three: Research Methodology offers a discussion of the methodology employed in the research. It discusses the rationale of the research design used during fieldwork data collection. This section not only explains data collection methods, but also discusses the techniques employed during participant observation, focus group discussions (FGDs), in-depth interviews and the paper questionnaire survey. This chapter also describes the target groups for the qualitative and quantitative methods to ensure that data collection corresponds with research questions.

Chapter Four: Becoming Stateless in Thailand responds to the first research question by discussing the development of Thai nationality law and identifying the three main reasons for people becoming stateless in Thailand, particularly the stateless young adults along the Thailand–Myanmar border.

Chapter Five: Legalising Statelessness: National Security Policies Towards Stateless People in Thailand investigates the dynamics of the Thai state's national security policies and their impact on stateless young adults along the Thailand–Myanmar border.

Chapter Six: A Life in Waiting: Negotiating Basic Rights Among Stateless Youth in Thailand discusses the negotiations for basic rights between stateless youth and the Thai government through four different aspects of life: education, health care service, legal protection, mobility and restrictions arising from the Thai laws.

Chapter Seven: The Opinions of Thai Respondents Towards the Stateless Youth in Thailand presents the research results from the paper questionnaire survey undertaken between November 2014 and April 2015. It also discusses the rationale of the results relating to the opinions of Thai citizens towards stateless children along the Thailand–Myanmar border.

Chapter Eight: Conclusion and Policy Recommendations provides the main findings of the research and offers policy recommendations on how the Thai state might balance its national security, human rights and human security policies for stateless young adults, according to the opinions of Thai respondents.

1.5. Conclusion

In conclusion, this chapter has discussed the research background, research objectives and research questions. Moreover, the significance of the study is articulated. The chapter also sets out the structure of the thesis. The next chapter will review relevant literature that significantly contributes to the research theme.

Chapter 2: Literature Review

2.1. Introduction

This chapter provides an overview of the literature relating to studies of citizenship and global and local statelessness. This literature review begins by highlighting key studies of the political and sociological theory of citizenship. It then focuses on ‘statelessness’ around the world. In these frameworks, international and national laws play important roles in dealing with statelessness. A comprehensive review of studies on statelessness in Thailand follows by exploring works focusing on stateless youth refugee lives in contemporary shelter areas along the Thailand and Myanmar border. Finally, the notion of ‘agency’ to conduct research on youth and the importance of the youth perspective in accessing citizenship are discussed.

2.2. The Negotiation of Citizenship Rights

‘Citizenship is often seen as a simple question of nationality: people either are, or are not, citizens of a given country’ (McCargo 2011, p.833). The concept of citizenship began in Ancient Greek political thought. However, it has been described as a ‘momentum concept’¹³ that has been developed in various ways including political and academic fields (Lister 2007, p.49). The definition of citizenship, as a member of a political community, often comes with legal substance which refers to the special rights and obligations that a state invests in its members (Turner 1997; Heywood 2004). The right which is fundamentally guaranteed by the status of citizenship is the right to live in a country. In this sense, a citizen is then distinguished from aliens, outsiders and foreign citizens (Heywood 2004, p.204).

A classic work on the study of citizenship is that by T.H. Marshall in *Citizenship and Social Class* (1950). Basically citizenship is a principle of equality. It shows that citizenship is linked to the capacity to enjoy a set of rights. In Marshall’s model, ‘citizenship is a status bestowed on those who are full members of a community. All who

¹³ John Hoffman explains ‘momentum concepts’ as unfolding concepts that ‘we must continuously rework in a way that realises more and more of their egalitarian and anti-hierarchical potential’ (Hoffman 2004, p.138).

enjoy the status are equal with respect to the rights and duties with which the status is endowed' (Marshall 1950, p.28).

A British sociologist, Marshall discusses citizenship in England at the end of the 19th century. His version of citizenship relies heavily on 'the material distribution of power' (Schoettli, 2013, p.27). He divides citizenship into three elements which are civil, political and social. He argues that civil rights, which are composed of the rights of individual freedom such as 'liberty of the person, freedom of speech, thought and faith, the right to own property... and the right to justice' are primary (Marshall 1950, p.28). These rights are exercised within civil society and limit the power of government over individuals. Political rights, which are about 'the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the member of such body' are secondary (Marshall 1950, p.10). These rights require the development of universal suffrage, political equality and democratic government. The final elements of Marshall's model of citizenship are social rights. These rights refer to 'the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilized being according to the standard prevailing in the society' (Marshall 1950, p.11). The rights require the development of a state that is responsible for the economic and social life of its citizens. Finally, Marshall aims to expand the social rights for the working class to integrate into British society and have access to social welfare in the 20th century (Schoettli 2013).

In contrast, sociologist Bryan Turner argues that Marshall's idea of citizenship is narrow, because it is an outcome of his experience in the formerly homogenous society of Britain in the 19th century. It does not reflect a modern state with complex ethnic divisions (McCargo 2011, p.386). Moreover, from the legal point of view, Marshall's concept of citizenship is unsatisfactory because 'citizenship is an arbitrary or contingent set of rights' that 'constitute the privileges of social membership' (Turner 1993, p.498) within a single nation-state as the boundary of society. In fact, Marshall's citizenship is a mixture of bourgeois individual rights and democratic collective rights, whilst economic rights are absent (Turner 1993). Likewise, Marshall not only ignores the differences between active and passive citizenship, but also the relationship between state and individuals is absent

(Turner 2001). As a result, the development of his concept of citizenship is not well-rounded, because it lacks logical coherence (Turner 2001).

Turner argues that recent socio-economic and political changes and globalisation have led to an erosion of citizenship (Turner 1993, 2001). Turner aims to expand the range of citizenship rights by re-defining citizenship as ‘[a] set of practices (juridical, political, economic and cultural) which define a person as a competent member of society, and which, as a consequence, shape the flow of resources to persons and social groups’ (Turner 1993, p.2). Being considered as a set of practices, citizenship can be seen ‘as a powerful sociological tool’ that connects the micro level of ordinary people’s everyday lives with the state–society relationship in terms of politics, economics and socio-culture in each country (Chang and Turner 2012, p.2). Chang and Turner furthermore propose that the progress of citizenship, especially in East Asia, cannot be easily ‘characterised as the evolutionary advancement in citizenship rights from civil to political to social citizenship as was originally formulated by T.H. Marshall (1950)’ (Chang and Turner 2012, p.5). On the other hand, Asian citizens are formed by three contextual conditions which are developmental politics, globalisation and the tension between the national unit and sociopolitical divisions arising from immigration and ethnic minorities (Chang and Turner 2012). It is therefore impossible to study citizenship in Asia without the state, because the state–citizen relationship is fundamental in Asia. As Turner suggests,

[C]itizenship can serve as a powerful analytical strategy for researching East Asia. Citizenship studies provide detailed and systematic accounts of the state–society relationship and citizens’ status within the national society and polity that may be readily communicated to ordinary citizens (Chang and Turner 2012, p.4).

McCargo agrees with Turner’s idea of citizenship in Asia. He suggests that the three elements of formal citizenship proposed by Marshall fail to explain the relationship between the individual and the state. On the other hand, the legal–rational definition of citizenship proposed by Turner is also inadequate to explain the realities of citizenship in Thailand (McCargo 2011).

2.2.1. Thai Citizenship

McCargo argues that citizenship in Southeast Asia is a complicated issue. It embodies both ambiguity and complexity for millions of people in Thailand (McCargo 2011, p.841).

Due to the lack of reliable census data and an effective birth registration system, fake citizenship papers and identity (ID) cards are widely used by fake citizens and sometimes by genuine citizens. This is because in Thailand a person without proper ID papers may be subject to harassment, asked to pay bribes and is vulnerable to changing regulations or the rotation of individual officials (McCargo 2011). Many ethnic minority groups in Northern Thailand, especially hundreds of thousands of stateless Karen people and huge numbers of the Myanmar population in Western Thailand have had these experiences. Consequently, citizenship for such people is always a question of extensive negotiation between individuals and the state. ‘Even Thailand’s most liberal constitution (that of 1997) explicitly assigned rights only to citizens: non-citizens had no constitutional rights’ (McCargo 2011, p.842).

McCargo concludes that citizenship is a concept that operates on multiple levels. It is ‘not an either/or, but a matter of degree’ (McCargo 2011, p.846). Thai citizenship can be considered a result of the negotiation between the state and the individual. There are three levels of formal citizenship in Thailand. The first level is full Thai citizenship for those who hold formal citizenship and feel completely Thai by embracing Thai-ness. That is, they speak Thai without an accent and express their loyalty to the three main Thai national elements: the Thai Nation, the Buddhist Religion and the King as the nation which was constructed during the reign of King Chulalongkorn (King Rama V, 1868–1910) (Winichakul 1994; McCargo 2011; Connors 2004). The second level is formal citizenship for those who hold Thai nationality, but do not share notions of Thai-ness and may suffer from Thainess Deficiency Syndrome¹⁴ (Tejapira 2009; McCargo 2011). These groups are ethnic minority groups in Northern Thailand, Indigenous people, such as the Moken and Orang Laut who live along the Andaman coast of southwest Thailand, north of Phanga and the Malay Muslims in the deep south of Thailand. The third level refers to paper citizens who hold paper citizenship and do not suffer from Thainess Deficiency Syndrome (McCargo 2011).

However, McCargo, whose work is focused mainly on the Southern Thailand conflict, fails to mention hundreds of Mon, Shan and Thai Yai people, who were born and have lived in the country all their lives, but are not considered either Thai or part of the ethnic

¹⁴ Thai citizens who feel uneasy in considering their identity as Thai (Tejapira 2009), and ‘are constantly aspiring to increase their own sense of Thai-ness’ (McCargo 2011, p.838).

minorities. In the official record, the Thai government considers them from Myanmar, although they do not have Myanmar citizenship (Achavanitkul 2011, p.107).

Traitongyoo (2008) and Hamilton-Coates (2013) theorise that the Thai government considers overall non-Thai living in Thailand as migrant labourers. Traitongyoo (2008) argues that the idea of Thai nationalism has played a significant role in immigration regulation to ensure that 'the migrants would only serve the purpose of providing labour supply to the Thai economy, but do not have the possibility [of staying permanently] in Thailand or [integrating] into Thai society' (Traitongyoo 2008, p.236). As shown in Hamilton-Coates's study (2013), the Thai government implements 'a *differentiated* citizenship model to keep track of citizens and outsiders using identity documentation' (Hamilton-Coates 2013, p.130). This affects the Tai Yai, or Shan community in Chiang Mai. As the Thai government considers Tai Yai people as migrants who cannot acquire the full set of citizenship rights, they and their children are prevented from accessing citizenship rights and social services. This *differentiated* citizenship model in Thailand is discriminatory in its origins. It aims to prevent non-Thai migrants from accessing the rights of Thai citizenship whilst the Thai state can earn benefit from their cheap labour. Without access to citizenship and legal protection, they are excluded from participating in politics. They become vulnerable and subject to exploitation, violence and debt slavery by Thai employers (Hamilton-Coates 2013). However, Traitongyoo (2008) and Hamilton-Coates (2013) fail to demonstrate how migrants and Tai Yai people have negotiated their status to access public services. Many Shan youth in Chiang Mai can access education services and are able to work, which means that negotiation between the state and the individual is possible, although they are stateless, as individuals without legal status, in Thailand.

The case of negotiation between the Thai state and non-citizens was investigated by Phongsiri and Thongyou (2012). They studied 40,000 displaced Thai who lived in Myanmar and crossed the border to Thailand in the 1980s. Without Thai citizenship, their lives became difficult, because of the lack of rights to access livelihood assets (Monchai and Thongyou 2012). Without political rights, they sought to negotiate their status in Thai society by using the concept of 'father's home-mother's homeland', as political capital for negotiation. Finally, they were granted Thai nationality by birth, not by naturalisation, according to the *Nationality Act (No.5) BE 2555 (2012)*. Phongsiri and Thongyou (2012)

expect that the negotiations will ‘create a social norm that encourages policy makers to be aware of people in vulnerable contexts who claim their rights and begin to play an active role as citizens’ (Monchai and Thongyou 2012, p.68). Therefore, this case shows that it is possible for non-citizens to negotiate with the state to gain Thai citizenship.

On the other hand, stateless youth have less social capital to engage in collective action to develop political capital for negotiating access to social services, because they have not yet developed a strong network to support them on the issue. By relying on their own personal connections, stateless individuals can, however, access health care services in public hospitals, because the Thai public health care system is available to poor Thais and non-citizens, such as Shan migrant people, with the help of hospital staff (Seo 2015). Thus, their political capital is very weak. Stateless people have to rely on NGOs to handle their applications for Thai citizenship, which is resolved only on a case by case basis.

2.3. *De Jure and De Facto* Statelessness

The UNHCR (2013b, p. 1) defines statelessness in the following terms:

...stateless people are not citizens of the country where they live (or of any other country), they are often denied basic rights and access to employment, housing, education, health care and pensions. They may not be able to own property, open a bank account, get married legally or register the birth of a child. Some face long periods of detention, because they cannot prove who they are or where they are from (UNHCR 2013b).

Under this definition, South-East Asian countries contain the largest number of unregistered children, more than 24 million (Mydans 2007). This number includes street children, child domestic servants, displaced children and refugee children (Humanium 2013). The status of being unregistered children can lead to the status of statelessness for which there are many reasons. UNHCR (2013b) *Media Backgrounder: Millions Are Stateless, Living in Legal Limbo* lists six main reasons for being stateless. They are break-up of states, complex laws, simple obstacles such as failure or inability to register children at birth, discrimination against women and racial and ethnic discrimination (UNHCR 2013b). These issues are all part of being stateless in Thailand.

Blitz and Lynch (2011) discuss the problems of marginalised groups and individuals without nationality in *Statelessness and Citizenship: A Comparative Study on the Benefits of Nationality*. The plight of stateless people has sometimes been described as a matter of

human security. Although it seems that stateless people are entitled to many human rights under international law, in practice they have great difficulty in exercising their rights and therefore lead a precarious existence. Moreover, there are innumerable barriers that stateless people have to encounter such as

...the denial of opportunities to: establish a legal residence, travel, work in the formal economy, send children to school, access basic health services, purchase or own property, vote, hold elected office, and enjoy the protection and security of a country. All too often the births, marriages and deaths of stateless people are not certified and, as a result, many stateless persons lack even basic documentation. This lack of identification means that they are often powerless to seek redress through the courts. Significant numbers of stateless people therefore face extortion from state and non-state agents as well as arbitrary taxation (Blitz and Lynch 2011, p.2).

Blitz and Lynch focus on a small number of individual states, including Kenya and Sri Lanka which have made measurable progress in helping individuals acquire or regain citizenship. Their research shows positive developments in these countries, especially qualitative differences in the lives of formerly stateless people who benefit from citizenship and enjoy a wide range of human rights (Blitz and Lynch 2011).

In the case of Kenya, for example, Blitz and Lynch indicate that the situation of the Nubians has generally positively changed, although some negative aspects remain. The positive effects of citizenship are that more people can obtain registration documents and passports, which help to facilitate their entry into the labour market, especially in the private sector. Negative effects arise at the administrative level where bureaucratic barriers undermine the provision of official documents such as birth certificates, identity cards and passports. There has been no improved access however to housing rights, sanitation, water or education (Blitz and Lynch 2011).

In Sri Lanka, during the naturalisation campaign in 2003, a total of 190,000 individuals were registered as citizens. In addition, the immigration authorities have provided 'special declarations' to 72,000 *de facto* stateless persons to acknowledge their status as 'Upcountry' or 'Plantation Tamil'. The benefits are 'the right of nationality and the provision of national identification documents; greater political participation, including the right to vote and the right to stand as a candidate in local elections; and improved basic rights for their children who now have the right to receive a birth certificate' (Blitz and Lynch 2011).

Blitz and Lynch argue that granting citizenship really has improved the situation and quality of life for stateless people in the countries they researched. However,

...there are a multitude of domestic factors that undermine the possibility of protection...one of the by-products of weak governance and societal discrimination is the fragmentation of citizenship into different classes and entitlements that vary greatly, depending on one's place in the hierarchy of privilege (Blitz and Lynch 2011, p.195).

This is because granting citizenship can only solve the problem of *de jure* or *legally* enforced statelessness, whilst *de facto* statelessness receives little attention in the study. Granting citizenship to stateless people is one basic element, but domestic dynamics in specific countries are a matter of *de facto* statelessness which needs further consideration. Therefore, they also argue that

... [s]tate responsibility does not end with the granting of citizenship status, as important as such action is. Proactive steps to educate officials and stateless persons as well as to ensure and enhance protection are required (Blitz and Lynch 2011, p.207).

The problems of *de facto* statelessness that are rooted 'in economic inequality, systemic discrimination and other forms of injustice' have not been investigated in this study (Blitz and Lynch 2011, p.207).

De jure and *de facto* statelessness have been further discussed in Bhabha's investigation of the paradox of the uncertainty of children's rights to citizenship and their conditional proof of legal identity in *Children Without a State: A Global Human Rights Challenge* (2011). Bhabha sets out two important arguments about stateless children. Firstly, his argument pertains to *de jure* or *legal* statelessness. Children need to have a demonstrable legal identity to flourish. 'Without legal protection, children are left stateless. Their claims to citizenship, belonging, protection and inclusion in the community in which they live are compromised' (Bhabha 2011, p. xiii).

Secondly, Bhabha discusses *de facto* statelessness. He highlights a problem facing two different groups of stateless children. The first group is irregular migrant children who 'cannot turn to the state in which they live for protection or assistance,' although they have a nationality (Bhabha 2011, p. xiii). The second group is 'children who have both a nationality and legal status but cannot prove either, typically because their birth is not registered' (Bhabha 2011, p. xiii). This leaves them undocumented, which deprives them

of the inability to enforce the rights to which they are entitled. Bhabha also discusses *effective* statelessness in Asia, ‘which is the inability to prove formal nationality and legal immigration status despite having both’ (Bhabha 2011, p. 3). These children are ‘living within their own countries but [their] birth has never been registered’ (Bhabha 2011, p. 3).

To solve the problem of statelessness, Bhabha not only offers a new twenty first century notion of citizenship as an entrance ticket to the political/social community, but also a more complex approach derived from empirical analysis of each country researched to explain the problems and effects on stateless children in order to engage with the diversity of interests (Bhabha 2011). While Bhabha seeks to improve the situation for stateless children, he agrees that ‘everyone should have the right to citizenship somewhere’ (Bhabha 2011, p.30; Gibney 2009, p.50).

2.3.1. The Stateless Situation in Thailand

The situation of statelessness in Thailand has occurred as a result of political conflict in Myanmar, and the complexity of laws underpinned by concepts of national identity and national security.

The UNESCO Highland Peoples Survey in 2006 (UNESCO 2006) studied a sample of 192 border villages in Chiang Mai, Chiang Rai and Mae Hong Son provinces to determine the impact of a person’s legal status (citizenship and birth registration) on access to social services, education, health care, land tenure and agricultural credit. According to the study, about 30 per cent to 60 per cent of highlanders who reside predominately in the mountainous northern region of the country, who are without Thai citizenship have never registered (UNESCO 2006). Without official citizenship, 73 per cent of hill tribe people are less likely to enter primary school, while 94 per cent are less likely to enter secondary school. In terms of health care, 99 per cent of stateless highlanders are less likely to be able to access health care. The lack of citizenship has been identified as the greatest risk factor for highland girls and women in Thailand to be trafficked or otherwise exploited (Calderbank 2008).

Mika Toyota (2006) also examines the so-called ‘hill tribes’ who are seen by the state as an existential internal threat to Thai national identity. He considers both hill tribe and foreign workers in identical terms. They are seen as a threat to the Thai societal

integration. Hence, the Thai state has constructed the legal division between Thai and non-Thai to justify its actions in arresting and deporting a large number of illegal migrants. Toyota helps us to understand the national security reasons underpinning the policies of the Thai state and the limited quotas available for granting Thai citizenship to the minorities who live along the borders (Toyota 2006).

Although Toyota focuses on identity, he concentrates heavily on the legal perspective, while the normal livelihoods of highland people are ignored. These hill tribes are perceived as opium cultivators, forest destroyers and illegal migrants. They are threats to Thai national identity and security (Toyota 2006). On the other hand, these people and their stateless children are considered local people, because they have already assimilated with, and become one of, the local Thais. The UNESCO Highland Peoples Survey (2006) provides evidence that many migrants have been living in Thailand for a long time, but they do not have legal recognition as Thai citizens, because their parents are not included in the original census surveys (UNESCO 2006; Calderbank 2008). Moreover, many policies relating to their rights have never been translated into these people's native languages. However, their identity as one of the local people has developed and been established through their social connections and relationships with local Thai people. In fact, the sense of belonging is presented as they consider themselves bonded with Thai people and the Thai state. What they lack is actually the rights that come with legal status; the rights that are officially guaranteed by the state (UNESCO 2006). This legal obstruction, not identity obstruction, inhibits them from accessing public health care services, educational facilities, land rights, legal occupation options and freedom of mobility (Toyota 2006).

Nonetheless, gaining citizenship for hill tribe people is extremely difficult. With the variety and complexity of laws involved, the legal status of hill tribes fluctuates between naturalised, alien and illegal (Fujioka 2002). There is no official census data which tracks the number of hill tribe residents, or their citizenship status due to the lack of efficient record keeping and the frequent movement of the people. In 2017, 438,821 people have been registered as stateless in Thailand, but UNHCR estimates that the total stateless population in Thailand is 506,197 people (Dombrowski 2014; Jedsadachaiyut and Al-jasem 2016; Kneebone 2017). The major group is stateless children. Many families are not citizens of Thailand, even though whole generations of families have lived in the same

hill tribe village in Thailand and have considered Thailand as their country for a long time. This is a result of complex additional regulations of complex laws.¹⁵

The main policy document that prevents hill tribe peoples from obtaining citizenship is the *Nationality Act B.E. 2508* (1965). Article 7(3) states that ‘anyone born in the Thai Kingdom whose parents are alien is not eligible for Thai citizenship and thus has entered the Kingdom illegally under the immigration law’ (*Nationality Act B.E. 2508* 1965, p.2). In addition, the procedure to apply for Thai citizenship is a tedious process. Firstly, sufficient proof of Thai nationality such as presentation of hospital records, or birth certificate is required, but most hill tribe people do not have the proof, because they are not born in hospitals. Secondly, errors in completing application forms for citizenship often occur, because the form is in official and complicated Thai (Asia Indigenous Peoples Pact (AIPP) 2012). Lastly, highland minorities have not been able to obtain citizenship ‘partly because of widespread corruption and inefficiency among highland village headmen and government officials’ (Minority Rights Group International 2008, p. 1).

The consequences of lack of citizenship are extremely severe for those who do not have it. Lack of citizenship not only restricts their ability to access public services such as basic health care services, education, travel, employment or political representation, but also their ability to own land (Oliver 2002). Consequently, they are faced with forced evictions and relocation, although ‘they live on land they have cultivated for decades or even longer’ (Minority Rights Group International 2008). However, some hill tribes ‘with money can always buy nationality cards...[i]t is the peasants who suffer because they don’t have enough money [to bribe officials].’ (Sanitsuda 2002, cited in Fujioka 2002, p. 11). Thus their life opportunities are limited.

In terms of refugees, Rangkla (2012) focuses on a group of Karen self-settled refugees, who left the refugee camp to live in a Thai border town, and their non-institutional approach to protection. His main argument ‘focuses on the informal relations of refuge and settlement that occur within this broader borderlands context’ in order to ‘look at dialectical relations and mutual understandings enacted between people in the face of

¹⁵ These laws refer to the regulations of the *Central Registration on Nationality Acquisition, under the House Registration Act for Hill Tribe People of 1992* and its 1996 Amendment.

adversity and powerful social forces' (Rangkla 2012, p.3). He agrees that the Thai government's policy toward the Indochinese refugee influxes, including Myanmar refugees, was framed by its interpretation of national interests and national security. At the same time, however, Thailand's response to refugees is determined by multiple components at local, national and international levels, because the Thai government lacks an official policy and legal framework to cope with refugee arrivals (Rangkla 2012). In practice, the Thai government's response to refugees from Myanmar can be characterised as providing for refugees' physical safety, which is sometimes insecure; the Thai government does not provide them with universal refugee rights (Rangkla 2012).

On the other hand, Rangkla does not move beyond refugee resettlement programs. He emphasises refugee resettlement to third countries. Statistically, more than 102,000 Myanmar refugees from Thailand have been able to resettle in third countries¹⁶ since January 2005 (De Bruijn 2009; UNHCR 2015). Rangkla believes that the resettlement program is the only appropriate solution for the refugees, because their place of refuge in Thailand could be shut down by Thai authorities at any time. However, Rangkla does show that these displaced Karen people prefer to stay longer in Thailand and become Thai citizens, because they have developed a sense of being at home in their new place. This is because the displaced Karen people have embraced the translocal lifestyle as a way of making a living in Thai society (Rangkla 2012).

2.3.2. Stateless Children and Youth

The study of stateless children in Thailand has focused primarily on those who were born to migrant workers (Caouette, Atchawanitchakun and Pyne 2000; Sukkhaphap, Raengngan and Chattiphaa 2006; Yang 2006; Dudley 2011; Pinkaew 2009; Tang 2005; Brees 2008; Green, Jacobsen and Pyne 2008; Polutan 2012). In *Sexuality, Reproductive Health, and Violence: Experiences of Migrants from Burma to Thailand*, Caouette, Atchawanitchakun and Pyne (2000) investigate the situation of legal and illegal migrant workers from Myanmar to Thailand relating to the issues of violence, abuse, sexuality and reproductive health. The number of children born to the migrant workers in Thailand

¹⁶ Between 2005 and 2014, the main resettlement destinations of Myanmar refugees from temporary shelters in Thailand are USA, Australia, Canada, Finland, and Norway (UNHCR 2015, p.10).

is discussed. However, these migrant workers have choices for their children, whether they want their children to stay with them, or leave their children with relatives back in Myanmar, or along the border. Caouette, Atchawanitchakun and Pyne (2000) show that most of the migrant workers leave their children with their relatives back in Myanmar, due to the unsanitary and unsafe living environments of migrant workers and the lack of educational opportunities (Caouette, Atchawanitchakun and Pyne 2000). Therefore, the study of stateless children is ignored due to the fact that there are comparatively few cases of stateless children born to migrant workers, and who choose to stay longer in Thailand.

The recent situation respecting migrant children has changed due to changing social and economic conditions. Huguet, Chamrathirong and Claudia (2012) find in a survey of 3,387 migrant workers¹⁷ that the average stay of a migrant worker is 5.3 years, but migrants in Chiang Mai and Tak provinces have stayed longer, approximately 9 years. Among married female migrants from Myanmar, 75.5 per cent have a child while in Thailand (Huguet, Chamrathirong and Claudia 2012, p.6). According to Huguet, Chamrathirong and Claudia (2012), there were approximately 377,000 migrant children under 18 years of age (11 per cent of the total migrant population). They are comprised of 113,000 children of ethnic minorities and 128,000 children of registered migrant workers. About 54,000 are children of displaced persons and 82,000 are children of unregistered migrants.

Moreover, the research shows that among them, about 150,000 children were actually born in Thailand. Accordingly, they fall under the same category as their parents who were not entitled to either long-term residence or citizenship. ‘As there is no provision for low-skilled migrant workers in Thailand to bring dependents with them, their children are not formally covered by the health-care system’ (Huguet, Chamrathirong and Claudia 2012, pp.5–6)

¹⁷ This survey was conducted in 2008 by the Institute for Population and Social Research (IPSR), Mahidol University (Huguet, Chamrathirong and Claudia 2012).

Table 2.1: Number of migrant children in Thailand in 2012

Categories	Numbers
1. Children of ethnic minorities	113,000
2. Children of registered migrant workers	128,000
3. Children of displaced persons	54,000
4. Children of unregistered migrants	82,000
Total estimated number of migrant children in Thailand in 2012	377,000

Source: Adapted from Huguet, Chamratrithirong and Claudia (2012)

Although Huguet, Chamratrithirong and Claudia (2012) show estimated figures of migrant workers and their children, they concentrate only on legal and illegal migrant workers who live outside the temporary shelter areas. The condition of migrant workers is different from the situation of forcibly displaced people from Myanmar living along the Thailand–Myanmar border. While migrant workers have choices for their children, the forcibly displaced people are left with no choice. They have to keep their children with them in the shelters. Huguet, Chamratrithirong and Claudia (2012) fail to notice the different condition of children of displaced persons who live in the confined areas and are considered as illegal migrants by the Thai authorities, if they are found outside the camps, with serious consequences for them.

Some research has focused on stateless children living in the confined temporary shelter areas along the Thailand-Myanmar border (Tang 2005; Huguet and Punpuing 2005; Wangsiriphaisan et al. 2010; Chia and Kenny 2012; Seltzer 2013; Carpeño and Feldman 2015). This statelessness arises from political conflict such as civil war inside Myanmar and Thailand's complex laws.

Huguet and Punpuing (2005) provide a comprehensive update of migration statistics, policies and legislation in Thailand and explore the interrelationship between migration and aspects of development including health, the environment, gender, children and education. In addition, Huguet and Punpuing address the situation of the refugees in

Thailand's nine border camps from the perspective that the refugees are totally restricted with regard to travel and are dependent on external aid. Moreover, migrant children and the children of migrant parents are not officially acknowledged. Finally, Huguet and Punpuing suggest that the refugees should be provided with more job opportunities to become self-sufficient (Huguet and Punpuing 2005).

Wangsiriphaisan et al (2010) discuss the root causes that drove these children out of their original country as well as statistically demonstrate aspects of children's lives as asylum seekers in Mae La shelter, Mae Hong Son shelter and outside the temporary shelter areas. Their aim is to reflect the impact of the political and armed conflict in Myanmar on these children along the Thailand–Myanmar border, and discuss the protection of displaced children in Thailand. According to Wangsiriphaisan et al (2010), children's identity and basic rights such as the children's rights to survival and access to basic education should be protected. Wangsiriphaisan et al focus on legal theory; nonetheless, they fail to discuss the actuality of state failure to protect the children.

None of the displaced children, nor any of the shelter population, is entitled to Thai nationality because they were born of illegal migrants on Thai soil. The Thai government expects these children to return to Myanmar in the future (Wangsiriphaisan et al. 2010). The protection of these children's rights and the implementation of the laws and regulations regarding their well-being are insufficient. The scenario of these children deciding to stay longer in Thailand after the end of the conflicts is not taken into account.

Chia and Kenny (2012), Seltzer (2013), Ball and Moselle (2015) and Carpeño and Feldman (2015) confirm that children and youth who were born and grew up in temporary camps are stateless. Chia and Kenny (2012) show that the situation for Myanmar children is of particular concern. Nearly 140,000 refugees from Myanmar live in refugee camps in the countryside around Mae Sot, Tak province. However, an estimated number of the displaced children is not mentioned. Chia and Kenny only state that 'there are numerous young adults who have lived their whole life within a camp, who have no immediate prospect of life outside the camp, either in Thailand or in a third country' (Chia and Kenny 2012, p.839).

Some children are born in the refugee camps. Others cross the border with their families or on their own to escape the ethnic conflicts or due to the threat of conscription into the armed forces or forced labour. Other children cross

the border to join family members or to escape poverty and social deprivation and, in some cases, in search of an education they cannot find in their native state. Others are trafficked across the border for use in sex work and as beggars (Chia and Kenny 2012, p.841).

Chia and Kenny (2012) express their concerns about stateless children by focusing on issues in the international regulation of migration such as economic, social and cultural rights; the right to work; the right to seek asylum and protection from trafficking and smuggling. The international community is very concerned about the situation of statelessness in Thailand, and calls for better treatment of stateless persons because Thailand is not a signatory to the *1951 United Nations Refugee Convention*, its 1967 Protocol, and the 1954 and 1961 *Statelessness Conventions*. Moreover, Thailand does not have domestic laws related to asylum, refugees and stateless people (Chia and Kenny 2012; Werret 2014). According to Integrated Regional Information Networks (IRIN), approximately 40 per cent of camp residents were unregistered in the Thai Government's census in late May 2011 (IRIN News 2011a). It means that they cannot access the health care service, education and other services that are available to registered residents. This also reflects on children living in the camps, especially in Mae Sot, which is well-known for its black market, including illicit drugs and people trafficking (Chia and Kenny 2012).

However, Juaseekoon (2009) and Tan (2012) explain that the situation of statelessness in Thailand has changed due to Thailand's revised *Civil Registration Act* in 2008 which provides all children born in Thailand with the right to registration at birth, including stateless children (Juaseekoon 2009). For example, under Thailand's amended *Civil Registration Act 2008*, some 5,000 refugee babies in the nine refugee camps had received birth certificates by 2012 (Tan 2012). Consequently, there has been a dramatic rise in the issuance of birth certificates, from 50 per cent in 2011, to almost 70 per cent in 2012 (UNHCR 2012; Tan 2012; Rapoport 2015). Although birth registration does not confer nationality upon a refugee child, this legal record of where a refugee was born and who his or her parents are 'is a key way to prove if someone can acquire nationality when he or she can eventually return home' (Tan 2012).

Chia and Kenny (2012) investigate only the regional law, for instance the *1966 Bangkok Principles on the Status and Treatment of Refugees* (a.k.a. '*Bangkok Principles*') as a regional solution to refugees and statelessness. Moreover, they focus on regional

cooperation such as the refugee resettlement programme without realising that these children may decide to live in Thailand.

Although Thailand is a party to the *Convention on the Rights of the Child* (1989), the government prior to 2008 ignored the responsibility to register children born to refugee parents (Seltzer 2013). As a result, children who were born to refugees in the camps in Thailand are viewed as illegal aliens rather than citizens of the country. At the same time, the government in Myanmar does not grant citizenship to these children due to the fact that their parents left the country illegally. Consequently, 'many of the children [become] stateless and live their lives in limbo' (Seltzer 2013, p.287).

Seltzer states:

...individual nationality laws may cause children born to refugees to become stateless. This lack of citizenship or nationality in any country reduces educational opportunities for children as they grow older, making them less able to support themselves through legal channels. In effect, risky migration tactics become one of the only ways out of their otherwise measly prospects. Perhaps the greatest risk, as mentioned above, is forceful recruitment by armed militias (Seltzer 2013, p. 281).

Finally, Seltzer suggests that Thailand should have a refugee policy that is based on international law (Seltzer 2013). His recommendation includes the principle of non-refoulement and assurance of a safe return to Myanmar on a wholly voluntary basis (Seltzer 2013). Moreover, he argues that children born in Thailand to Myanmar parents must be registered at birth by the Thai government, and must be given equal access to education regardless of whether they are Thai or Myanmar children (Seltzer 2013). Seltzer urges that 'Thailand should put in place programs that allow trafficking victims who cannot safely return to Myanmar to stay in the country permanently, or until conditions permit safe repatriation' (Seltzer 2013, p. 209). He fails to suggest what status or mechanism should be employed by the Thai government to ensure that the children will be able to stay in the country willingly, safely, freely and permanently, with equal status, treatment, dignity and rights as citizens of the state.

Ball and Moselle (2015) focus on the livelihoods of forced migrant children living in the transnational borderland between Myanmar and Thailand. Migrant Myanmar children living in Thailand do not have identity documentation, social protection, mobility rights, or access to proper education. Their living conditions have limited their development and

potential. Ball and Moselle (2015) understand that these young people, who originated from Myanmar, 'have been institutionally minoritised and politically excluded within Myanmar' for the past several decades (Ball and Moselle 2015, p.434). For forced migrant Myanmar children, the problem of identity documentation may be solved with the help of organisations operated by Myanmar migrants for the migrant community. They 'try to help children to acquire Myanmar identity documents' (Ball and Moselle 2015, p.429).

On the other hand, Ball and Moselle mention, but do not focus on, those young people who were born in Thailand, but do not have refugee status and are unable to be repatriated or resettled. For various reasons, their identity documentation cannot be re-issued. Their stateless status prevents their freedom of movement, access to education and legal employment (Ball and Moselle 2015).

Carpeño and Feldman (2015) examine educational opportunities for young people who live in the borderland between Myanmar and Thailand. The refugees have access to human resources which improve education in the camps. Young people in the camp 'have demonstrated their will to make the most of every opportunity they have' (Carpeño and Feldman 2015, p.422), but there are several obstacles that reduce the quality of education in the camp. The Thai government does not support refugee education. The teacher turnover rate is high and quality of teaching is poor because training is limited. Moreover, internet access and technology are restricted, which make online courses very difficult for young adult refugees in the camps. Therefore, they lack motivation to study. Eventually, they are forced to leave school early to find a job and earn a little money.

Carpeño and Feldman (2015) pay significant attention to education as it plays a key role in helping refugee children and young people to be 'empowered actors in their own development' (Carpeño and Feldman 2015, p.421). On the other hand, Carpeño and Feldman (2015) do not discuss the problem of statelessness which prevents these young adults obtaining access to proper educational opportunities.

2.4. Thai Public Opinion

Thai public opinion has been studied from many aspects, mostly related to political issues such as public opinion and political power in Thailand (Albritton and Bureekul 2007)

and public satisfaction about the government's performance (Holmes 2015; *The Australian* 2016); and national infrastructure and economic policies that affect local people's lives, such as revision of Thailand's proposed Mae Wong Dam construction whose benefits are unlikely to outweigh environmental costs (IUCN Secretariat 2015; Sueb Nakhasathien Foundation 2012). There is limited research studying the Thai perspective on stateless people living in Thailand.

Sunpuwan and Niyomsilpa's work on *Perception and Misperception: on Refugees and Migrants from Myanmar* (2012) and *The Survey of Thai Public Opinion toward Myanmar Refugees and Migrant Workers: An Overview* (2014) touch on the issue of Thai public opinion towards non-Thai citizens. Sunpuwan and Niyomsilpa conducted a survey of 2,000 respondents from the general population and community leaders living in the four border provinces of Mae Hong Son, Tak, Kanchanaburi and Ratchaburi. They discuss the Thai perspective on migrants and refugees, based on several issues such as personal safety, health service, job competition and the consumption of natural resources (Sunpuwan and Niyomsilpa 2012, 2014). They argue that many Thais have misperceptions and prejudices towards Myanmar refugees and migrants, especially irregular migrants, though Thai society still needs their labour. They asked participants if permanent residency (PR) and Thai citizenship should be granted to stateless persons. The total result showed that only 18.2 per cent of overall participants agreed to grant PR to those who have lived in Thailand for 10 years or more. In contrast, over half of the respondents (57.0 per cent) agreed to grant Thai citizenship to stateless persons (Sunpuwan and Niyomsilpa 2014).

However, their research is based on the opinions only of villagers and community leaders living in the Thai border provinces. Although their respondents are more familiar with the situation of refugees and migrant workers from Myanmar than those who live far from the border areas, they do not support the granting of permanent residency status to refugees and migrants. On the other hand, they have a different perspective on granting Thai citizenship to stateless persons. Therefore, the question has been raised whether there are any differences between Thai respondents nationwide. As Thailand is facing human rights challenges concerning stateless children and youth who were born in Thailand and have lived outside the refugee camps, it is important to know what Thai

respondents in general think about granting Thai citizenship to stateless youth and the reasons behind their decision.

Finally, Sunpuwan and Niyomsilpa suggest that Thai society requires training programs for media officials and public agencies to understand and provide balanced views of refugees and migrants (Sunpuwan and Niyomsilpa 2012; Richter et al. 2012). They suggest that the Thai government should develop a comprehensive policy for refugees and migrants living in Thailand. For stateless children who live outside the camps, they emphasise local integration and encourage the Thai government to promote a multicultural policy to create a 'more inclusive society where people of different ethnic origins can live and work together' (Sunpuwan and Niyomsilpa 2014, p.41). They do not mention the amendment to the nationality law which has a direct impact on stateless people.

2.5. The Agency of Youth

The research on children and youth discussed above has been done from the perspective that the children and youth are passive objects of adult instruction (Hart 2014). On the other hand, Jampaklay (2011) suggests that 'an important element in understanding the effects ... on children is the perspective of the children themselves' (Jampaklay 2011, p.103). Thus, further research on children's perspectives is needed, especially in dealing with children and youth as agency. This helps the researcher to understand 'how children improve their own well-being, take charge of their lives, create ways of coping with the absence of their parents, while keeping the family together at the same time' (Jampaklay 2011, p.103).

Oswell (2013) provides significant research on the sociology of children. He argues that since the late 1980s the study of children has shifted from considering children as incomplete adults whose 'caricatures [are] predicated on adult fantasies and projections' to considering children as people who have value in their own rights (Oswell 2013). Oswell also agrees with James and Prout (1990) who recognise the importance of youth as 'active in the construction and determination of their own social lives' (James and Prout 1990). White and Choudhury (2007) suggest that the youth are 'agents' who are 'the holders of rights which must be respected' (White and Choudhury 2007, p.540). Moreover, Redmond (2009) presents the idea of children as actors who have choice, and

who engage in actions that show some awareness of his or her actions in respect to others (Giddens 1984, p.90; Redmond 2009, p.55).

Agency is not free. Therefore, we cannot understand youth's agency alone, because it is situated in a 'structure' or context of social and economic constraint, and 'in the context of dependence on, and submission to, the authority of adults' (Redmond 2009). Oswell (2014) argues that

[Children] are all born, and they are all born into structural relations not of their choosing. In that sense, the sociologists of childhood argue that children are necessarily born into the structural relations of childhood, into childhood as a structural form. The exact nature of that structural form, it is argued, may vary from society to society and across historical time, but the form itself is a constant (Oswell 2013, p.44).

Giddens calls agency's constraint a duality of structure; that is, the dialectical relation between structure and agency. In fact, the structure is not external to individuals, but structure and agency are actually two sides of the same coin which shape each other (Oswell 2013). To understand agency, Giddens suggests knowledge and reflexivity (Giddens 1984). Every social actor is knowledgeable about the social system of which they are a member, whilst, at the same time, they 'concern the reflexive monitoring or rationalisation of action' (Oswell 2013, p. 48). As a result, some children's agency can be sanctioned or encouraged as positive actions by their social system, but some agency can also be seen as a rebellion against authorities or adults as negative actions (Redmond 2009).

Hart (2014) employs the notion of agency and age position to conduct research on reproductive health with refugee adolescents. Hart confirms that the notion of agency helps to 'comprehend the particular needs and challenges of individuals while age helps to 'make sense of the differential impact of larger historical processes' (Hart 2014, p. 230). The different ages of participants result in a different outcome. For example, while a 12-year-old refugee boy may concentrate only on schoolwork, sport and music, an 18-year-old young man may be looking towards the prospects of attaining social adulthood in order to broaden his social, economic and political environment as well as awareness of societal expectations (Hart 2014). Finally, Hart recommends governments and humanitarian agencies take the refugee's age, position and agency into account in engaging with a long-term solution for refugees.

Yarris and Castañeda (2015) distinguish ‘involuntary refugees’ from ‘economic migrants’ by using the idea of agency among two generations of Karen refugees who have resettled in California. The first older-generation Karen refugees have direct experience of political violence and displacement in Myanmar. They have been ‘on the run’ to the Thailand–Myanmar refugee camp (Yarris and Castañeda 2015). The second younger generation Karen move to the camps because of their parents’ decision to seek a better life and better education. Some were born in refugee camps in Thailand. Both generations of refugees exert agency throughout their experiences of exile and displacement (Yarris and Castañeda 2015). On the one hand, the older generation is considered ‘involuntary refugees’ because they stay in refugee camps strategically for both physical safety and economic opportunity. They can travel across the border to financially support their family members in Myanmar (Yarris and Castañeda 2015). On the other hand, the younger generation is actually ‘economic migrants’ because they exert agency through their resettlement in the US, in order to pursue educational opportunities and their hopes for economic improvement in the future (Yarris and Castañeda 2015).

Ball and Moselle (2016) challenge the view of migration scholars that generally ‘children’s identity and aspirations are understood only through adult-lenses’ (Ball and Moselle 2016, p.120). They explored the capacity to make decisions of forced migrant youth from Myanmar aged between 12 and 17 years old who live in temporary shelters along the Thailand-Myanmar border by ‘listening to children in planning for their post-migration social protection and normalization as citizens’ (Ball and Moselle 2016, p.120). These youth living in Mae Sot hope to have their lack of permanent residence resolved soon. Few youth expressed interest in going to a specific state (Ball and Moselle 2016, p.118). However, most youth are left out of the decision-making processes. Ball and Moselle (2016) challenge migration scholars to conduct research that focuses on and amplifies forced migrant youth’s self-articulated identities, capabilities and preferences. Forced migrant children’s voices, agencies and subjectivities must be heard in order to resolve their status as displaced and stateless persons (Ball and Moselle 2016).

Putting young peoples’ perspective at the centre as actor or agency, one in the refugee camp, the other in the resettlement setting, enables refugee young people to express their thoughts and reveal their special requests. However, research from the perspective of stateless refugee youth is limited. The idea of agency is employed in the question of

resettlement, but not citizenship. Nonetheless, the question can be asked whether the stateless refugee young people exert their agencies through their request to stay in a host country such as Thailand and acquire Thai citizenship.

2.6. Conclusion

This chapter has reviewed various theories of citizenship relevant to the study of statelessness in Thailand. While the concept of citizenship has been discussed since Ancient Greek political thought, T.H. Marshall links citizenship with the capacity to enjoy a set of rights. However, Turner argues that Marshall's idea of citizenship is too narrow, so he expanded a range of citizenship rights by identifying citizenship as a set of practices, a result of socio-economic and political changes and globalisation in Asia. McCargo, on the other hand, argues that the concept of citizenship operates on multiple levels, especially citizenship in Thailand. He concludes that citizenship is a negotiation between individuals and the state.

Most studies on stateless children mentioned in this chapter make suggestions on international and regional law, international and regional relief agencies and NGOs. However, some research pays attention to stateless children and youth, as agencies who have a right to choose to stay and to acquire the citizenship of the state¹⁸ where they were born (Doek 2006). Their perspective on how to tackle the problem is very important. No research suggests that the Thai government take serious action on the reduction of statelessness and grant citizenship to its stateless population. This research aims to bridge this gap by providing the stateless youth perspective. It will provide policy recommendations for the Thai government to balance its approach to national security, human rights and human security for stateless young adults, based on the perspectives of both the stateless youth and Thai respondents.

¹⁸ As it says in Article 7 in the UN *Convention on the Rights of the Child* (1989, p.3) that...

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Chapter 3: Research Methodologies

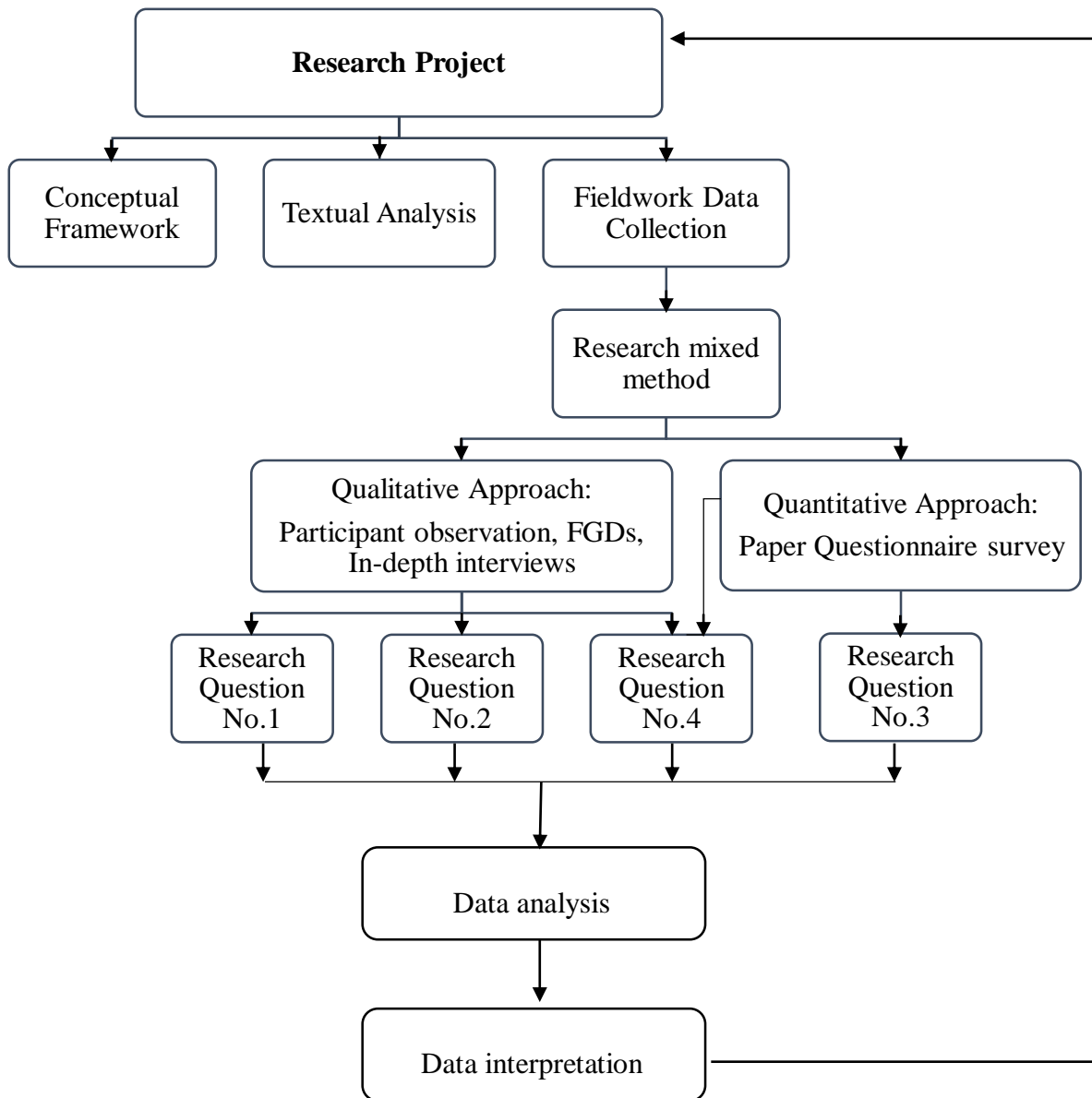
3.1. Overall Research Method

This research employs a mixed (qualitative and quantitative) methods research design for data collection. According to Morse (2003), mixed methods enable the researcher to have the ability to obtain a more comprehensive and thorough understanding of the social facts. This is because the combination of qualitative and quantitative data provides a better understanding of research problems compared to either approach alone (Creswell and Plano Clark 2007; Onwuegbuzie and Johnson 2006; Leech and Onwuegbuzie 2009). Mixed methods integrate qualitative and quantitative research strategies in data collection, interpretation and analysis of the same phenomenon (Leech and Onwuegbuzie 2009).

Jones and Woolcock (2007) have also emphasised that by integrating mixed qualitative and quantitative strategies in doing social research, the researcher will gain a clearer and better understanding of the social and community context. The findings of research using mixed qualitative and quantitative methods can be used as a ‘source of empowerment, enabling better understanding of the present and potentially new visions for the future’ (Jones and Woolcock 2007). The researcher will use mixed method techniques to enhance the validity and reliability of research data.

However, the major method used in this study is qualitative methodology in which quantitative methodology is applied to support the qualitative examination. More specifically, the qualitative method is used to answer the first, second and fourth research questions, which investigate the situation of the stateless young adults. The quantitative method is used to respond to the third research question, which investigates Thai respondents’ opinions to support or not support these stateless young adults to gain Thai citizenship and reasons underlying their opinions.

Figure 3.1: Flowchart of the research methodology



Source: Developed by Ladawan Khaikham, 2015

3.2. Justification of the Fieldwork Sites

The sites for the fieldwork have been selected based on accessibility, safety and population due to the need for a number of different types of data. The fieldwork was conducted in three different parts of Thailand with a variety of data collection techniques. Research locations are the Bangkok Metropolitan Region (BMR), Chiang Mai province and Tak province, where there are NGOs and stateless population who live along the Thailand–Myanmar border.

Figure 3.2: Map of the fieldwork sites in Thailand



Source: Adapted from Carto GIS 2015, CAP, Australian National University

3.2.1. Thailand and Bangkok Metropolitan Region (BMR)

Statistically, Thailand has been hosting more than 400,000 stateless persons who have never registered as Thai citizens, because of legislative changes and the lack of legal knowledge of both local people and government officials (Park, Tanagho and Weicher 2009; UNHCR 2016). Among Southeast Asian countries in the second half of the twentieth century, Thailand experienced the most significant migration and refugee arrivals. These refugees include Chinese, Indochinese, Laotians, Cambodians, Vietnamese and Myanmar refugees. They moved to Thailand because of its geographic position at the centre of the Greater Mekong Subregion. Thailand's relative economic growth and stability made the country attractive as a primary destination for migrants in Southeast Asia. However, the pattern of immigration across international borders to Thailand changed significantly after the Cold-War era. The displaced persons in the second half of the twentieth century fled to Thailand because of genocide or civil war within their own countries, but current migrants flee to urban areas for a variety of reasons especially economic reasons (Shum 2014). Furthermore, Thailand hosts 1.3 million migrant workers from neighbouring countries, for example Myanmar, Cambodia and Laos (Nawarat 2012). This number is increasing because of bilateral Memoranda of Understanding (MOUs) on Cooperation in Employment of Workers, signed between Thailand and neighbouring countries and past cabinet resolutions of the Thai government. These allow undocumented migrants to obtain temporary work permits. The Thai government offers legal channels which encourage migrant workers to move to Thailand, although they are low-skilled cheap labourers (Palmgren 2014). This system of regulating migrant workers will continue among South East Asian countries 'as ASEAN pursues its attempts to establish an interlinked and economically vital regional community' (Palmgren 2014, p. 3).

Bangkok has been selected as one of the fieldwork sites, because it is the capital city of Thailand and home of Thailand's government and political institutions. The Bangkok Metropolitan Region (BMR) refers to the urban regions surrounding the Bangkok Metropolis which includes the five adjacent provinces of Nakhon Pathom, Pathum Thani,

Nonthaburi, Samut Prakan and Samut Sakhon. In total, the BMR covers an area of 7,761.50 square kilometres with approximately 10 million registered residents.¹⁹

Furthermore, the population in Bangkok is considered well-educated and has powerful political networks. It is able to influence important acts of the government. Political unrest in Bangkok between December 2013 and May 2014 showed that urban Bangkok residents were able to disrupt the government institutions and offices with massive demonstrations. The incidents resulted in the declaration of martial law by the Thai army on 20 May 2014, just before the twelfth military coup (*BBC News* 2014). This large, influential population helped increase the number of respondents to the questionnaire survey and contributed to a variety of questionnaire answers. As in Chapter 7, the well-educated citizens of Bangkok were interested in contributing to the survey. Their responses also showed the variety of their opinions.

Moreover, with a growing economy and relatively high opportunities for employment, the BMR attracts a large, diverse population which includes 36.40 per cent of foreign workers (9 per cent in Bangkok and 27.40 per cent in the BMR), as well as an unidentified but significant number of urban refugees and asylum seekers as irregular and illegal migrants in Thailand (Office of Foreign Workers Administration 2014; Palmgren 2014). The BMR's population diversity has thus contributed to the variety of data available for this research.

3.2.2. Chiang Mai Province

Chiang Mai province has been selected because it has the second largest number of stateless persons with about 35,000 such people, according to the Faculty of Law, Thammasat University (*Thairath Online* 2015). Due to its mountainous location, Chiang Mai province also has the largest number of hill tribe people and Indigenous people who lack a sense of national identity and citizenship. According to the Bureau of Registration Administration (BORA), Department of Local Administration, Ministry of the Interior,

¹⁹ According to the Department of City Planning of Bangkok Metropolitan Administration, in 2014, Bangkok and its region consisted of 10,376,753 registered residents; there are 5,674,843 in Bangkok; and 4,701,910 in the five Metropolitan Regions (Department of City Planning 2011).

in 2011 Chiang Mai had approximately 57,000 Indigenous adults together with their children, around 17,000 persons (Achavanitkul 2011, p.109).

Table 3.1: Five provinces which have the most stateless people

Provinces	people ²⁰
1. Chiang Rai Province	53,000
2. Chiang Mai Province	35,000
3. Tak Province	31,000
4. Kanchanaburi Province	25,000
5. Mae Hong Son Province	10,000
Total ²¹	154,000

Source: Achavanitkul 2011; Thairath Online 2015

The majority of the first-generation of hill tribe people has obtained Thai identity certificates. However authorities are cautious about granting Thai identity to newly arrived hill tribes, because Indigenous people and highland communities have often been associated with forest destruction, narcotics and national security issues such as political infiltration and insurgency (Fujioka 2002). Besides the difficulty in providing assistance to remote and scattered highland communities, cultural misunderstandings and communication barriers with people speaking distinctive languages are also problems.

In addition, Chiang Mai is suitable for the data collection because it is the home of a number of international/national non-government agencies and organisations (INGOs) such as The Volunteers for Children's Development Foundation, Stateless Children Protection Project and NGOs such as Mirror Foundation and Rak Dek Foundation, whose works focus on helping stateless persons and hill tribe people around the area with issues of citizenship, drug abuse, erosion of culture and the trafficking of women and children. On 8 January 2014, the twelfth Stateless Children's Day was hosted at Lanna Wisdom School, Chiang Mai province, where about 32 NGOs and more than 50 stateless youth

²⁰ This number is approximate and does not include unregistered stateless people.

²¹ See the table of ten provinces which have the most stateless people at Appendix 5.

from different ethnicities such as Da ra-Ang²², Tai Yai and Kachin participated in activities and discussions which contributed to some progress on the situation of stateless persons in Thailand (Buaklee 2014; Rak Dek Foundation 2014).

3.2.3. Tak Province

Tak province is the home of nearly 31,000 stateless people (Achavanitkul 2011, p.111). This means Tak province has the third largest number of stateless people. Since Tak province is located between Thailand and Myanmar, it is an appropriate location to conduct the research. It used to be a strategic military region. Recently, Tak province has been considered an area of ‘bustling border markets, ethnic diversity and natural beauty’ by the Tourism Authority of Thailand (2015).

Importantly, Tak province is suitable for the data collection because of its comparatively large number of young adult refugees from Myanmar. Tha Song Yang district, located in the northwestern part of Tak province, is the home of Mae La temporary shelter area which has hosted the largest number of refugee residents. In Mae La district alone, there are approximately 25,000 UNHCR registered refugees²³ or about 30 per cent of the refugees in Thailand; 90 per cent are Karen from Myanmar (UNHCR 2015). Mae La temporary shelter area is located eight kilometres from the border. It was originally established at the Thai village of Mae La following the evacuation of Manerplaw village in Karen state and the fall of the Karen National Union (KNU) in 1995. Inside the camp, there is a wide range of educational opportunities provided by INGOs. It is considered a study centre²⁴ for young refugees, so the current population includes a few thousand students who come to study in the camp, and some from other camps, but mostly from inside Myanmar. Most students are registered only as temporary inhabitants for schooling.

²² Da ra-Ang tribe, or Ta-ang, migrated from Myanmar to Thailand due to violent conflicts between the Burmese and various ethnic groups in Myanmar around the 1980’s. They usually live in the mountains. Myanmar people call them Palaung, whilst some Tai Yai groups call them Kunloi which generally means people who live in the mountain. Nowadays the Dara-Ang live in Shan state, Myanmar, some in south-western Yunnan, China and a small number in northern Thailand. Red Da ra-Ang is the main group living in many places in Thailand such as three districts of Chiang Mai province, Fang, Chiang Dao and Mae Ai districts, and Mae Sai district in Chiang Rai (Deepadung 2009).

²³ These figures are registered refugees. Most new arrivals after 2005 are not registered.

²⁴ Nonetheless, the education system inside the camp remains unrecognised by both the Thailand and Myanmar governments (Burma Link 2017).

As the home of the refugees' schools and colleges, this huge number of young refugees in Tak province has also contributed to the variety of data collection for the research.

3.3. Qualitative Approach

The reason for dominant use of the qualitative method in this research is because this research is a case study. Neuman (2011) has pointed out that in case study research, a researcher investigates social features in depth and detail, often in a qualitative form. The qualitative method is an inquiry aiming to understand larger social phenomena of which the qualitative researcher is an integral part (Denzin and Lincoln 2005). The qualitative method is appropriate in this research because it is concerned primarily with process rather than outcomes (Creswell and Plano Clark 2007; Bogdan and Biklen 1982). The qualitative method is strongly focused on participant perspectives and seeks to uncover the essential meaning behind their life experiences (Bogdan and Biklen 1982).

In this study, data collection involves primary and secondary data. Primary resources come from fieldwork involving observation, focus group discussions and in-depth interviews. The main research tools are observation, focus group discussions (FGDs) among young adults aged between 18–24 years²⁵ and in-depth interviews with key informants.

3.3.1. Participant Observation

In fieldwork, it is important to gain insight into the political and socio-economic situation of the area and its surrounding borders. Participant observation is an excellent method for doing so. It is a form of sociological research methodology in which the researcher takes on a role in the social situation under observation. Researchers employing participant observation aim to experience events happening in the research field sites to understand participants' perception and interpret the nature of social reality in the field. By immersing herself in the field through key actors in that location, the researcher can observe local community and group meetings including participants' actions in everyday life (Neuman 2011). Participant observation is very useful not only because the researcher

²⁵ According to the UN Secretariat, youth and young people refer to individuals aged between 15–24 years old. However, the definition of youth changes with circumstances depending on 'demographic, financial, economic and socio-cultural settings' (United Nations 2017).

can experience transnational forced migrants in their everyday life through direct observation, but also because it allows the researcher to examine, analyse, understand and explain the social world under study and the underlying logic of participants' experiences and actions on a daily basis (Neuman 2011).

Advantages of the use of participant observation include being able to observe the group of participants in its real-life field setting and data may also be openly recorded (Neuman 2011). The most important problem with observation is, however, observer effect. The presence of the researcher may alter the behaviour of those under study as the participants may feel offended 'once they know of an authorised invasion of their 'privacy'²⁶ for research purposes' (Neuman 2011, p.150). On the other hand, they may enjoy it and play to the researcher.

3.3.2. Focus Group Discussions (FGDs)

The focus group discussion (FGD) is a qualitative research technique 'in which people are informally interviewed in a group discussion setting' (Neuman 2011). The researcher can collect data through interaction with certain groups on a guided topic (Morgan 1997). FGDs provide an in-depth understanding of participants' experience and knowledge relating to the topic. With FGDs, a structured group process is employed to obtain detailed data about certain circumstances. The focus group discussion is an effective tool, because it can obtain the consensus of groups about the discussed topics during the process (Kitzinger 1994). In the FGDs, the researcher acts in the context freely, and on the basis of a research theme can formulate a research question or checklist and employ neutral probing (Sarantakos 2012). Furthermore, Morgan (1997) points out that FGDs can be used in combination with participants' observation. With a very clear approach and careful selection of participants, FGDs can provide useful data (Neuman 2011).

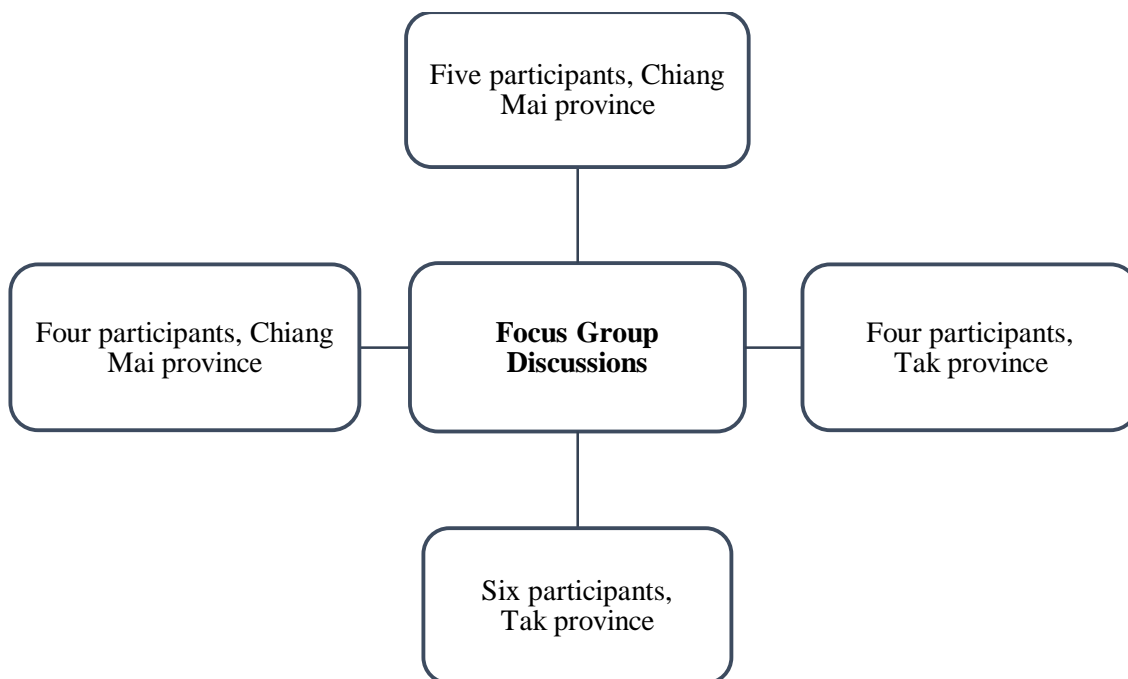
In this research, qualitative methods applied to three focus group discussions with stateless youth were organised at local level. The target groups of FGDs were stateless young adults who were born and have lived in and around the areas along the Thailand–Myanmar border. In this research, stateless young adults are aged between 18–24 years who are about to finish basic education and find their first job. The focus group

²⁶ Emphasised by Neuman 2011.

discussions were scheduled by NGO and INGO officers who referred the researcher to a variety of community schools and public education institutions in order to select the participants. Snowball sampling was employed to identify a simple pattern of networks and relationships between the stateless youth in certain areas (Neuman 2011, p.209).

For the FGDs involving young adults, the researcher used various techniques including games, plays and art to approach the youth and for youth to tell their stories and be able to express their feelings. The researcher also prepared an FGD guide prior to the event (see Appendix 2). However, it was important that the focus group participants be selected from different social groups in order to obtain a variety of experiences, and to avoid privacy and confidentiality issues; participants were not close friends or relatives, but around the same age level in order to minimise the sense of hierarchy (Neuman 2011, p.459).

Figure 3.3: The diagram of focus group discussions



Source: Developed by Ladawan Khaikham, 2016

Each focus group discussion consisted of four to six youth participants aged between 18 and 24 years. FGDs were conducted in two fieldwork sites: two groups of youth participants in Chiang Mai province and two groups of youth participants in Mae Sot district, Tak province. In total, there were 19 stateless youths who participated in FGDs.

Each FGD lasted for approximately one and a half hours in a community where participants were familiar with the atmosphere.

3.3.3. Semi-structured In-Depth Interviews

The semi-structured in-depth interview with key informants is a common qualitative method (Mack et al. 2005). It is essential for improving understanding of the problems of statelessness, lack of citizenship and their impact on stateless youth in temporary shelter areas along the Thailand-Myanmar border (the first research question) and national security policy (the second research question and part of the fourth research question). As Bouma (2000) has argued, the strength of in-depth interviews is their ability to ‘provide the greatest opportunity to find out individual thinking or feelings, or how they react to various issues and situations’ (Bouma 2000, p.180). As suggested by Kvale (1996), the research employs the process of thematising, designing, interviewing, transcribing, analysing, verifying and reporting data obtained by this method.

The researcher prepared and used an in-depth interview guide (see Appendix 3) as instrument during the in-depth interview process. Some of the respondents were selected with assistance from the shelter committee and with the collaboration of local ethnic groups. The range of key informants interviewed in this research is as follows:

1. Four parents of stateless youth
2. Three school teachers teaching stateless youth
3. Three NGO/INGO representatives working with/for these stateless youth
4. Two government officials working with stateless youth

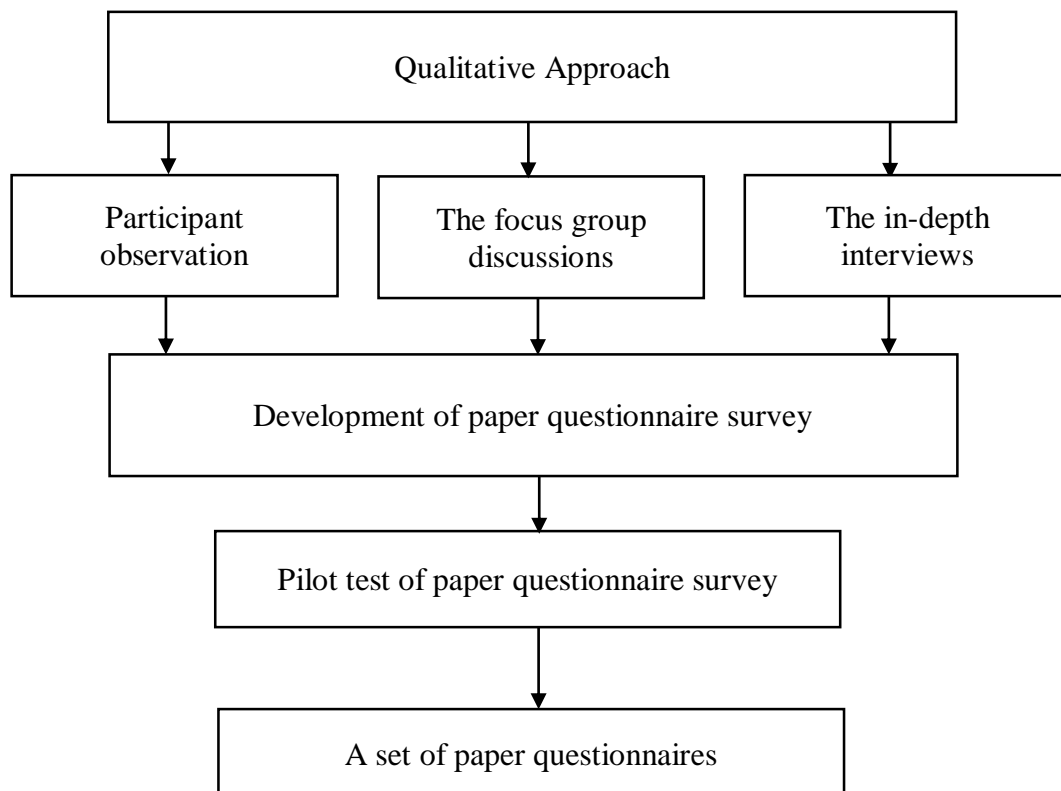
In total, there were 12 various key informants in the in-depth interviews. The semi structured interviews were conducted by using open-ended questions as they were expected to gain an in-depth understanding of participants’ knowledge relating to statelessness and Thailand’s national security policies. This explored their views on the statelessness situation, the problem of statelessness, lack of citizenship and their impacts on the human rights of stateless young people. Each in-depth interview was conducted for one hour to one hour and a half. All respondents were interviewed in their community in Thailand where they felt safe. No one was interviewed in his/her home village in

Myanmar, although the interviewees were asked about conditions existing there before they fled.

3.4. Quantitative Approach

In the second phase of data collection, Thai citizens who lived and worked in and around the shelter and Thai citizens in Bangkok, were asked to complete a questionnaire survey concerning stateless young people. The quantitative method was used particularly in relation to the third research question to ascertain Thai respondents' opinions towards the stateless young adults who wish to gain Thai citizenship, and investigate reasons underlying their opinions.

Figure 3.4: Diagram of the paper questionnaire development



Source: Developed by Ladawan Khaikham, 2016

In the questionnaire survey, the researcher started with a theoretical research problem. To process the survey research deductively, the researcher conceptualised variables and operationalised each variable to make sure that clear and complete questions were grouped and put in order systematically (Neuman 2011, p.131). The structure of the paper

questionnaire (see Appendix 4) was developed from data collected from participant observation, the focus group discussions and the in-depth interviews.

3.4.1. Population and Sampling for Quantitative Approach

The quantitative approach in this research is employed to investigate Thai respondents' opinions towards the stateless young adults. The present study sought to know whether Thai respondents supported or did not support the stateless youth gaining Thai citizenship and why.

The research instruments were pre-tested prior to the actual data collection. A pilot test was conducted with a small group of participants in Bangkok to test if the questions in the questionnaire were clear and respondents' understanding of the questions were the same as the researcher's understanding (Neuman 2011). The paper questionnaire survey was distributed to the target sample size of approximately 500 people, who were drawn from the population of Thai citizens nationwide. Thai participants who lived in the Bangkok Metropolitan Region (BMR) and around the border areas, were selected by using the snowball sampling technique.

3.4.2. Unit of Analysis for Quantitative Approach

In total, 315 Thai citizens completed the paper questionnaire survey between November 2014 and April 2015 (i.e., response rate: 63 per cent). Analysis of the questionnaire responses enabled the researcher to explore the dynamics between different groups of Thai respondents.

3.5. Research Instruments

As noted, the mixed method research approach employs a combination of data sources. Qualitative and quantitative data complement each other to enhance the validity of the research findings. Different research instruments were used in accordance with the particular method outlined below.

3.5.1. Focus Group Discussion Guide

An FGD guide was prepared prior to conducting the FGDs. This FGD guide (see Appendix 2) listed potential questions separated into four stages. The FGD guide was primarily used as a reference for the moderator to ask potential questions in the FGD.

FGD guide components were:

- A. Ice Breaking
- B. Birth, Home, Family and the Sense of Belonging
- C. Decision to Stay or Leave
- D. Ending Session

3.5.2. Interview Guide

A list of Indicative Questions was prepared for the in-depth interview (see Appendix 3). The guide listed potential questions for the four stages of the interview based around the research questions. However, during the actual interview, the researcher employed semi-structured in-depth interviews, which flow as a simple natural conversation.

Interview guide components were:

- A. Self-introduction of Interview Participant
- B. Direct and Indirect Contact with Stateless Youth
- C. National Security Policies, Human Rights and Human Security
- D. Concluding Session

3.5.3. Paper Questionnaires

A set of paper questionnaire surveys was used in the second phase of data collection for the quantitative research method. The structured questionnaire was developed from data collected from the focus group discussion and the in-depth interviews. The pilot test of the questionnaires was undertaken with a small group of people whose characteristics matched the final respondents (De Vaus 2002). The pilot test helped to check if the questions were suitable, clear and understandable (Neuman 2011). It also helped the researcher to practice and familiarise herself with the research environment before doing

the actual study. The pre-test was organized in Bangkok at the beginning of September 2014, prior to administering the actual questionnaire survey.

The five sections of the questionnaire components were:

- Part I : A few brief questions about participants
- Part II : Awareness of the existence of temporary shelter areas and everyday life involving Myanmar/Karen/Shan workers, refugees and stateless youth
- Part III : The justification of the temporary shelter areas and national security concerning border issues
- Part IX : Participant's opinion regarding stateless youth
- Part V : Short answer questions regarding stateless youth

3.6. Data Analysis

Data collection consisted of two phases. The qualitative data collection focused on FGDs and semi-structured in-depth interviews using guidelines. The target group was youth aged between 18 and 24 years who were actually born and live in the two research sites, Chiang Mai province and Tak province, Thailand. Although personal identifying information was asked, the data protected the identity of the informants. Questions were asked about the socio-demographic background of the stateless individuals, knowledge and understanding of their situation related to living conditions of the family, schools, access to hospitals and mobility. As the study focused on livelihoods of stateless youth, FGDs and semi-structured interviews were employed.

To analyse the data, the researcher collected and sorted the data to be interpreted and coded. To code the data, the researcher used the NVivo programme to help create codes and categorise important data obtained during the fieldwork, before connecting the coding to a conceptual framework. Also, content analysis such as systematic textual analysis was used to operationalise the data (Neuman 2011) through Microsoft Office and Microsoft Excel.

The second phase, quantitative data collection, involved a paper questionnaire survey. As this phase focused on the perspective of Thai respondents towards refugees and stateless youth, a modified Likert scale was employed to measure the understanding and opinions

of Thai respondents. Descriptive statistical analysis was employed to describe basic features of the data and to see the frequency of answers (Nicholas 2006). Microsoft Excel was used to analyse and present the data in the form of histograms, bar graphs, pie charts and tables. This is an appropriate statistical analysis to measure the percentage of the participants' understanding of the issues that have been asked. Finally, as the questionnaire also asked about their opinions regarding stateless youth, this part was analysed as a small section of qualitative data analysis using content analysis, as systematic textual analysis, in order to understand the overall picture of Thai respondents' understanding and opinions concerning stateless youth. In addition, quantitative findings were used to supplement findings for the qualitative data collection in the first phase.

3.7. Potential Risks and Challenges

When conducting research by fieldwork that involves youth, in particular stateless youth, there are at least three potential risks. The primary risk of the research is unbalanced power relations between adults and youth. The second potential risk relates to the vulnerability of the youth, especially the stateless youth along the Thailand and Myanmar border who have been excluded from the society surrounding them. The last risk is the gap in understanding between adults and youth. The final risk applies directly to the researcher concerning personal security in a volatile context.

Unbalanced power relations between adults and youth are the primary risk of the research. Naturally adults in all societies have power over children and youth (Greig, Taylor and MacKay 2012). The dominating power relations between adults and youth may make them avoid answering questions honestly. In a particular culture, youth may be afraid that if adults are not satisfied with their answer, the youth may be punished. This problem can be minimised by the development of trust between the researcher and the youth participants.

As a result of the researcher's past experience in the temporary shelter areas in Mae La refugee camp, she has developed excellent communication skills and a strong connection with local people. She also has deep local knowledge of the fieldwork sites and a robust understanding of the socioeconomic, cultural and environmental situation of the forcibly displaced people in her research areas. A communal meal as an incentive for research participation helped the researcher to gain in-depth understanding of local people's

livelihoods, as well as trust from the local community. The researcher believed that with strong trust gained from the targeted youth, her power over the youth would be minimised. Consequently, the researcher believes that the targeted youth provided her with honest answers. Moreover, the researcher always kept in mind that she was working 'with' the youth in a partnership. It is important to consider the inclusion and participation of youth in all aspects. This research could be seen as being in the best interests of the displaced youth, especially the fact that this research may have a significant beneficial impact on their future lives.

Youth participation is important because the research aimed to ensure that the opinions and experiences of the youth are not only listened to, but understood by outsiders (Tisdall, Davis and Gallagher 2009). Doing research with youth, the researcher ensured that the youth contributed to the activities so that their interests and views were not forgotten. Furthermore, according to article 12–13 in the UN *Convention on the Rights of the Child* (1989), everyone has the right to freedom of expression. Youth participants have a right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account. This right also includes freedom to seek, receive and impart information and all kinds of ideas, either orally, in writing or in print, in the form of art, or through any other media. Also the youth were assured that their views are given due weight in accordance with their age and maturity. For this purpose, the youth participants in this research were provided with the opportunity to hear the research proceedings and results that affect them, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national and international law.

The second risk of this research is the vulnerability of the youth. All youth are vulnerable and this vulnerability is heightened in some groups (Greig, Taylor and MacKay 2012). The researcher acknowledged the fact that stateless youth were more vulnerable, because they were already singled out and different from other youth in Thai society. Therefore, word usage in a set of focus group questions for the youth, was selected and developed carefully. For example, instead of asking 'where is your home?' the researcher reframed the question by asking 'where do you live now?' to avoid the emphasis on 'home' which they would probably not have. This also avoids the youth feeling embarrassed, if they are reluctant to answer about home. The researcher also encouraged the youth to express their

thoughts through drawing and simple story-telling, if they prefer, instead of giving a direct answer, in order to minimise the risk that the process may do harm to their minds.

Drawing and simple story-telling by the groups of stateless youth led to the third potential risk. The third risk is the gap in understanding between the researcher and the youth participants. During data collection and analysis, the researcher's interpretation of events may be significantly different from the perspectives of participants (Flewitt 2005). It is very important to note that youth understanding, concept interpreting, languages and cultures are developed in different ways from those of the adult world. To ensure appropriate understanding of their intentions, behaviours, drawings and story-telling, the researcher always consulted with their parents, teachers, and the NGO/INGO representatives who were working with them. This qualitative method is designed particularly for youth participating in an attempt to prevent potential harm and to avoid the 'thwarting biases' of researcher subjectivity that can mar interpretive research (Peshkin 1988, p.21).

In focus group discussions, each participant was provided equal time to explain meanings which underpin their behaviour, drawing and story-telling according to their own understanding. This activity can give the researcher better knowledge, information and a greater understanding of issues and concerns underlying that information. However, this activity was based on equality. It is emphasised here that it is their right and the researcher's responsibility to ensure that all youth were treated the same (Greig, Taylor and MacKay 2012). The researcher ensured that all the youth were provided with equal access to information and resources.

The final risk applied directly to the researcher. Personal security was one of the key concerns for the conduct of the research. The researcher's fieldwork was in confined temporary shelter areas. As mentioned before, the fieldwork location is in one of the most politically sensitive areas for Thailand's national security as the areas are surrounded by the Royal Thai Army. In this regard, outsiders are not allowed to gain access to these areas easily. The researcher acknowledges this fact, so that she chose to conduct the research fieldwork in certain provinces where the refugees were allowed to work outside the camps on a temporary basis during the day. This means outsiders are allowed to visit the camp during the day. Some areas allow outsiders to access development projects as

volunteers, yet not stay overnight. Importantly, the researcher's past experience in temporary shelter areas has developed her communication skills. Her ability to speak Thai and her position as a civil servant working in a leading university in Thailand allow her to gain access to the areas and communicate with the participant. At the same time, she was aware that these practices may be introducing biases to the openness of respondents, so that the development of trust between the researcher and the participants could minimise this risk. Furthermore, this research project has been supported by the Royal Thai Government scholarship. Therefore, the process of gaining permission to access the areas was well managed through the bureaucratic system of the Thai Government to ensure that there was no legal harm from the research practice.

3.8. Conclusion

This chapter discussed the mixed method approach adopted in the study. Multi-site fieldwork for the case study of stateless young adults was undertaken in order to answer the research questions mentioned in Chapter 1. The research data collection employed several qualitative methods; most notably, participant observation, focus group discussions with stateless youth and semi-structured in-depth interviews with stateless youth and key informants who work closely with stateless young people (including parents of stateless youth, school teachers and local government officers in the field). Since the research uses mixed-methods with the qualitative method as the dominant approach, the quantitative method is also used to answer the research question on Thai respondents' opinions relating to the statelessness issue. Finally, potential risks and challenges were discussed. The next chapter discusses the problem of citizenship, statelessness and livelihood vulnerability along the Thailand–Myanmar border.

Chapter 4: Becoming Stateless in Thailand

4.1. Introduction

This chapter identifies and discusses the main reasons for people becoming stateless in Thailand. The chapter begins with the context of Thai nationality law. It then discusses the main elements of statelessness in Thailand. First, the complexity of Thailand's nationality law and problems with law enforcement are presented. Secondly, the chapter discusses how the borderlines have been drawn across the groups of Indigenous people, leaving many groups stranded on opposite sides of the border. Thirdly, the chapter discusses the consequences of the Thai government's failure to include everyone in the civil registration survey in 1965 due to the registration errors. Fourthly, the chapter shows how some officials in Thailand's bureaucratic administrative system either lack understanding of the nationality laws, or overtly obstruct them. Then political changes which have resulted in unsettled citizenship policy are discussed. The final aspect pertains to children failing to obtain their birth certificates due to many difficulties in accessing the birth register at the time of birth. These elements in combination contribute to statelessness in Thailand.

4.2. The Context of Thailand's Citizenship Law

Citizenship and nationality are used interchangeably as they both refer to the legal notion of individuals who either are, or are not, citizens of a specific country (McCargo 2011, p. 833). McCargo (2011) argues that citizenship in Thailand can be viewed as 'two parallel and graduated dimensions' (McCargo 2011, p. 838). The first dimension inheres to the legal aspect based solely on formal legal status and rights. The second is the informal aspect based on attitude, self-representation and behaviour (McCargo 2011).

Historically, the terms 'Thai citizenship' and 'nationality' were not known among Thai people. The idea of folk or people of the Kingdom of Siam was first mentioned in the Sukhothai Period (1238–1438) (Sucharitkul 1990). Siamese stone inscriptions state the right of everyone to be free (Bastian 1864). In 1909, Siam's civil registration law entitled *Census of People in the Kingdom Act Ror Sor 128 (1909)* 'established the nationality of the population by applying the principle of *jus sanguinis* and the principle of loyalty' (Saisoonthorn 2006, p. 41).

Thailand had no practice of issuing documents to certify that a person was a national and there was no proposal to legislate to allow people to request permission to immigrate to the Kingdom. Therefore, classification of natural persons of the Thai State was implemented by traditional nationality law. Exercising sovereignty on nationals by means of civil registration and identity cards did not begin until 1976 (Saisoonthorn 2006, p. 42).

At that time there were certain laws and policies that distinguished the duties and responsibilities of the people from those of other societies, but these laws and policies did not grant any special protection to Siamese people (Saisoonthorn 2006, p.41). It is worth noting here that citizenship of Siam was originally understood from a traditional Siamese social aspect, rather than a political one. Thus, there was no person in Siam who had ever faced the problem of statelessness, because there was no law about citizenship until 1913, when the *Nationality Act B.E. 2456* (1913) was enacted.

The phrase, ‘Siamese citizenship’, was introduced by King Vajiravudh (Rama VI, 1910–1925) who released the first modern Siamese family law (*Surname Act 2456* (1913)) in March 1913. Siam's first citizenship (*sanchat*) law, or the *Nationality Act B.E. 2456* (1913), was enacted on 10 April 1913, prior to the establishment of the Siamese Parliament in 1932 (Loos 2006, p.133; Saisoonthorn 2006). This is the first time that the Siamese state, as a modern nation-state in Asia, attempted to bind the nation and its subjects, thus characterising the ethnic groups as minorities within a majority Thai/Siamese state (Reynolds 1991; Keyes 2002). The idea of citizenship was relatively new and ambiguous to the Siamese court. Instead of defining clearly what made Siamese citizenship, King Vajiravudh was more concerned about turning non-Siamese subjects into Siamese citizens by enacting *Naturalisation Act Ror Sor 130* (1911) (Laungaramsri 2014, pp.145–146) in 1913. Besides loyalty, aliens, who had either fully assimilated or clearly showed the potential of assimilation into Siamese society, were eligible for naturalisation (Sucharitkul 1990, p.472). At that time, granting Siamese citizenship to aliens by naturalisation was the responsibility of the Ministry of Foreign Affairs based on the *sui juris* principle²⁷ with the approval of the government (Saisoonthorn 2006, p.41). With the implementation of this Act, the Siamese state accepted dual nationality, because an alien would not lose his/her former nationality after naturalisation.

²⁷ The principle of an individual who is independent and has all the rights as a freeman. He/she is not under the power of another, as a slave, a minor and the like.

4.2.1. Overseas Chinese, as the Majority of Non-Thai Migrants in Thailand

Overseas Chinese in Thailand are an important example of the Siamese/Thai government's success in assimilating people from other cultures, essentially making Chinese Thai (Suryadinata 2014, p.65). However, the history of the Chinese in Thailand is neither smooth nor peaceful. Chinese have been active in all areas of Siamese/Thai society since the thirteenth century. They have been free to reside and travel throughout the country. Nevertheless, at the same time they have had to face many difficult situations in Siamese/Thai society.

In the early Rattanakosin period, especially between 1844 and 1845, a good relationship developed between a group of Chinese businessmen and the Siamese court as the trade between Siam and China was expanding (Bualek 2008). Chinese merchants played an important role in Siam's economic development. The Chinese migrants provided manpower in the agricultural, shipping and trading sectors (Bun and Kiong 1993). Chinese became taxation officers. In 1855, Chinese businessmen adapted themselves when Siam's economic policy shifted to free trade with the British Empire due to the *Treaty of Friendship and Commerce between the British Empire and the Kingdom of Siam* (*The Bowring Treaty*) (Siriphisal 2010). Later on, Chinese in Siam became involved in the political issues of mainland China when, with support from a group of overseas Chinese in Siam, Dr Sun Yat-sen²⁸ visited Bangkok twice between 1903 and 1908 (Murashima 2013). The Siamese government was aware of the Chinese political movement and began to place legal controls on the migration of Chinese people to Siam (Barnett 1954).

The construction of 'Chineseness' and anti-Chinese sentiment became increasingly apparent in Siamese society from the time of King Chulalongkorn's reign (King Rama V, 1868–1910) (Skinner 1957; Jiang 1966; Reynolds 1991). Many discriminatory government policies were introduced. For the first time the Chinese were required by law to pay the same capitation tax as other foreign residents in Siam (Barnett 1954). King

²⁸ Dr Sun Yat-sen was known as a Chinese revolutionary. He was the first president of the Republic of China (ROC). He visited Bangkok to collect funds for his revolution in mainland China.

Vajiravudh (King Rama VI, 1910–1925), who felt uncomfortable with Chinese, composed several works²⁹ to convey a negative view of Chinese people. He saw them as ‘politically disloyal, expecting undue privileges, worshipping wealth as a god and being parasites on the [Siamese] economy’ (Baker and Phongpaichit 2014, p.115). However, the discriminatory policies did not reduce the number of Chinese arrivals in Siam. The economic boom in the 1920’s and natural disaster and civil strife in China encouraged a large number of Chinese arrivals in Siam between 1918 and 1931. The government showed no attempt to control the numbers of Chinese immigrants until 1947, when an annual quota of 10,000 Chinese was enforced (Thomson 1993).

In terms of education, Chinese schools were restricted as they were considered a source of political ideas that might harm Siamese society. As a result, the *Private School Act B.E. 2479* (1936) was enforced to monitor and control private schools’ curricula and textbooks, particularly those of Chinese schools. This Act required all private schools to teach the Siamese language, geography and history (Siriphisal 2010, p.86). It also restricted the teaching of Chinese to no more than two hours each week in Chinese primary schools and 18 hours in secondary schools (Barnett 1954; Coughlin 1976). This was the government’s attempt to transform descendants of Chinese immigrants into Siamese by forcing them to learn the Siamese language and think like Siamese people.

This policy promoted the development of social intercourse between the Chinese and the Siamese. According to Skinner (1957, p. 311), at the social level, Chinese showed many attributes of social integration and assimilation into Siamese society, because Siamese and Chinese shared some similarities in cultural background. Bun and Kiong (1993) also argue that the social transactions within and between ethnic Siamese and Chinese contributed to the assimilation process of the Chinese into Siamese society. In addition, the Siamese government was successful in integrating ethnic Chinese into Siamese society by law (Skinner 1957; Thomson 1993; Siriphisal 2010).

In terms of citizenship, the government has changed its policy several times. A liberal concept of rights was shown in the *Nationality Act B.E. 2456* (1913), the first written Siamese nationality law (Coughlin 1976, p.170). This law, which restricted Siamese

²⁹ These writings include ‘The Jews of the East’, ‘Wake up, Thailand’, ‘The Real Nation’, ‘Thai were forced to mix with Chinese’ (Siriphisal 2010, p.84).

citizenship based on *jus sanguinis* and naturalisation, remained the same as in customary law, but it 'was the first time in Thai history that [Siamese] citizenship could be granted on the basis of the *jus soli* principle (i.e. by virtue of being born in Thailand)' (Saisoonthorn 2006, p.42).

At that time,

[t]he citizenship law claimed as Siamese citizens all persons born in Siam; all persons born to a Siamese father regardless of birthplace; all persons born to Siamese mothers when the father was unknown, and all foreign women married to Siamese subjects (Loos 2006, p.134).

Therefore, Siamese citizenship was automatically granted to locally-born Chinese. Skinner argues that the Chinese businessmen identified themselves with the ruling and administrative elites in Siam (Skinner 1957; Bun and Kiong 1993). Importantly, the Phibunsongkhram government needed to stop political affiliation between Chinese in Thailand and mainland China for security reasons (Chantavanich 1997, p.243). In addition, inter-marriage between Chinese business men and local Thai women, or Chinese women in Thailand, was successful in increasing the number of second generation Thai Chinese children. Thai schools were compulsory. Consequently, the second generation Thai Chinese children became Thai citizens automatically as the Siamese government advocated a policy of giving citizenship to the immigrant Chinese by amending the *Nationality Act 1913* 'in conformity with the government's liberal policy toward the Chinese so that all persons born in Thailand were automatically Thai citizens' (Skinner 1957, p. 378).

In fact, the *jus soli* principle to determine the citizenship of persons born in its territory existed in Siam since the Sukhothai Period (1238–1438). In addition, the huge number of Chinese immigrants encouraged integration between the Chinese and the Siamese (Thomson 1993, p.403). The Siamese government used several means to assimilate those who were already in the country and to prepare for future arrivals. The most significant step was the granting of citizenship to Chinese descendants on the basis of the *jus soli* principle as well as setting a naturalisation policy, in accordance with the *Naturalisation Act Ror Sor 130 (1911)*, which became effective in 1913, to encourage identification with the state, not the ethnic group (Thomson 1993). Thus, after five years of residence, a

Chinese migrant could apply for naturalisation, if he could show 'good character' and had enough financial support (Skinner 1957, p.250; McCargo 2011, p.838).

However, the Chinese migrants had a very hard time after the 1932 Siamese Revolution when the constitutional government replaced the absolute monarchy. After the establishment of a constitutional regime in 1932 by the Revolutionary People's Party, the government sought to achieve a common identity among various ethnic groups. In doing so, Siam was not unique. As Reynolds (1991) explains, the boundaries of the nation-state do not coincide with the extent of a single ethnic population or one speech group. Territory and people are the first two components listed in the constructed national identity, but there is a tension between ethnicity and territory. The government therefore tried to manage this problem by favouring ethnic Siamese in order 'to exclude or subordinate other ethnic groups' (Reynolds 1991, p.18).

The Phibunsongkhram governments (1938–1944 and 1948–1957) gave preferential treatment to ethnic Thai as against ethnic Chinese. The government changed the nation's name from 'Siam' to 'Thailand' in 1939 to make it clearer that the country belonged to the Thais with their culture, citizenship and territory (Batson 1974; Terwiel 2002; Reynolds 1991; Laungaramsri 2014). The government sought to encourage a pan-Thai movement that included the Thai of Thailand, the Thai peoples of Laos and the Shan States of northern Myanmar in a single Thai state ('Proceedings of the National Assembly, 26 August B.E. 2482' 1939; Winichakul 1994; Nallu 2012). Meanwhile many ethnic minorities felt uneasy within the modern Thai state, especially the most numerous and possibly most influential, the ethnic Chinese (Batson 1974; Connors 2004). After the communist victory in China in 1949, anti-communist policies were carried out by the Thai authorities (Chinvanno 1992; Thomson 1993; Baker and Phongpaichit 2014). The Thai government sought to limit Chinese influence and power in political activities. This limitation is evident in citizenship policy that restricted the children of aliens and their descendants. Legal changes between 1953 and 1956 meant that those who were born to two Chinese parents, or to an alien father, were non-Thai.

However, under the *Naturalisation Act Ror Sor 130* (1911), which was later replaced by the *Nationality Act B.E. 2456* (1913), children born in Siam to alien parents were granted citizenship 'regardless of whether or not the alien parents had entered the Kingdom

legally or illegally, or the alien parents had the right to reside in the Kingdom temporarily or permanently' (Saisoonthorn 2006, p.42).

In the early 1960s, however, China and Thailand agreed to recognize Thai citizenship for ethnic Chinese born in Thailand. Many of them had already registered as Thai citizens in the aftermath of the communist takeover in China in 1949. ...The policy has been successful. Many ethnic Chinese who are Thai citizens identify themselves as Thai (Thomson 1993, pp.403–404).

Besides the *Naturalisation Act Ror Sor 130* (1911) that allowed these migrants to be naturalised as Thai nationals, if they could satisfy the legal requirements, the *Nationality Act B.E. 2456* (1913) also granted citizenship to children born in Thailand. These laws can be seen as successful tools to unite people of different ethnicities and backgrounds. By allowing aliens and children of aliens born in Thailand to obtain Thai citizenship, it was thought that ethnic conflict would be less, while a higher level of assimilation would be achieved (Saisoonthorn 2006). In the Chinese case, it has been found that a majority of the descendants of Chinese immigrants in each generation merges into Thai society and becomes indistinguishable, especially the fourth and later generations who identify themselves as completely Thai;³⁰ this is called 'Thai-isation' (*karn klai pen Thai*) (Skinner 1957; McCargo 2011). The policy towards overseas Chinese is an important example of the success of the Siamese/Thai governments in assimilating aliens into Thai society.

Even though many people claimed Siamese/Thai citizenship under the *Nationality Act B.E. 2456* (1913), there were still millions of stateless persons arising from the main elements of statelessness in Thailand. The first element is the complexity of Thai nationality law. The second element is stateless people arising from the borderline that was drawn across the groups of Indigenous people. The failure of Thailand's civil registration survey in 1965 is the third element. The fourth element is the lack of understanding of nationality laws among officials. Political change and unsettled citizenship policy 1965 is the fifth element. Lastly, the failure to obtain a birth certificate makes these stateless people unable to prove their birth and apply for Thai citizenship.

³⁰ Being Chinese in Thailand is viewed negatively. Although young Sino-Thais identify themselves as Thai, the anti-Chinese bias still exists (Tejapira 2009; McCargo 2011).

4.3. Complexity of Thai Nationality Law and Law Enforcement

The notion of citizenship in Thailand is ambiguous due to the complexity and frequent changes in Thai nationality law. The government keeps changing its law due to national security reasons. These changes reflect not only the relations between the state and its subjects, but also the state's anxiety about people's mobility (Laungaramsri 2014, p.154).

In total, since it was first implemented in 1913, Thailand's nationality law has changed 12 times in 104 years. As a result, a number of people from ethnic minorities who no longer come within the scope of the law and aliens who have immigrated to Thailand from Myanmar have been excluded. Presently, the stateless status of the first generation of migrants inheres to their descendants as well.

There are two ways of acquiring Thai citizenship: by birth and by naturalisation. According to Section 2 of the *Nationality Act B.E. 2456* (1913), Siamese/Thai citizenship could be granted to a person who was:

- 1) a child of a lawful father who had Thai nationality;
- 2) a child of a lawful mother who had Thai nationality;
- 3) born in Thailand;
- 4) a woman legally married to a man who had Thai nationality³¹; or
- 5) eligible for naturalization under the *Naturalization Act Ror Sor 130* (1911)³²

In 1965, *Nationality Act B.E. 2456* (1913) was replaced by the *Nationality Act B.E. 2508* (1965) which was later amended several times.³³ However, the turning point in the evolution of the Thai nationality acts was when the Thai government feared the influx of refugees and displaced people from neighbouring communist countries in the 1970's. The *Regulation of Revolutionary Party No. 337* (called *Por Wor 337*, or *Order 337*) of 13 December 1972 became operative. Requests for Thai citizenship became difficult because

³¹ This law automatically granted Thai nationality to an alien woman who legally married a husband of Thai nationality.

³² The *Naturalization Act Ror Sor 130* was cancelled and replaced by *Nationality Act B.E. 2456* (1913).

³³ The *Nationality Act B.E. 2508* as amended by *Acts No. 2 and 3 B.E. 2535* (1992), *Act No. 4, B.E. 2551* (2008) and *Act No. 5 B.E. 2555* (2012).

Order 337 made radical changes to acquisition and revocation of Thai citizenship as a result of its objective to protect and preserve national security (Sucharitkul 1990; Tang 2005). As Sucharitkul (1990) states, *Order 337*

...prescribed the automatic revocation of Thai citizenship from a certain category of persons previously born in Thailand of alien parentage, while suspending the attribution of Thai citizenship with regard to persons born after the entry into force of the Order (Sucharitkul 1990, p.174).

Order 337 strengthened gaining Thai citizenship by means of the *jus sanguinis* principle. According to *Order 337*, any child born in Thailand to foreign parents, must have both parents reside permanently in Thailand for the child to be granted Thai citizenship. Obviously, this *Order* was intended to prevent the children of refugees and displaced people from neighbouring countries from acquiring Thai citizenship. However, *Order 337* affected all aliens including many people who came from non-communist countries, because it applied not only to children born after this date, but also to those whose parents were not permanent residents at the time of their birth. Hence, this regulation resulted in many cases of statelessness since it was implemented on 14 December 1972. Although *Order 337* was abolished in 1992, the *jus sanguinis* principle was firmly established and remains in force in Thailand's nationality law until today (Saisoonthorn 2006, p.48; *Nationality Act (No.5), B.E. 2555 (2012)*).

Under the *Nationality Act B.E. 2508 (1965)* Thai citizenship is determined, if either the child's father or mother holds Thai citizenship, regardless of where the birth occurs (Sucharitkul 1990, p.465). Chapter 1 Acquisition of Thai Nationality in Section 7 states that

The following persons acquire Thai nationality by birth:

- (1) A person born of a father or a mother of Thai nationality, whether within or outside the Thai Kingdom;
- (2) A person born within the Thai Kingdom except the person under Section 7 bis paragraph one (*Nationality Act B.E. 2508 1965, p.5*).

For children of alien parents, Thai citizenship cannot be obtained even though the child has been born within Thai territory (*jus soli*) because of Section 7 bis which states that

Section 7 bis. A person born within the Thai Kingdom of alien parents does not acquire Thai nationality if at the time of his birth, his lawful father or his father who did not marry his mother, or his mother was:

(1) the person having been given leniency for temporary residence in Kingdom as a special case;

(2) the person having been permitted to stay temporarily in the Kingdom;

(3) the person having entered and resided in the Thai Kingdom without permission under the law on immigration.

... The person who was born within the Thai Kingdom and has not acquired Thai nationality under paragraph one shall be deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration, unless an order is given otherwise according to the law on that particular matter (*Nationality Act B.E. 2508 1965*, p.5).

Consequently, the legal definition of a Thai citizen is based only on birth to one or both Thai parents, marriage to a Thai man, or naturalisation.

In 2008, the *Nationality Act B.E. 2508* was amended by the *Nationality Act (No.4) B.E.2551* (2008). This law is expected to help solve many cases of statelessness arising from *Order 337*, because it allows anyone whose citizenship was withdrawn by *Order 337* between 1972 and 1992, or who failed to acquire Thai citizenship because of *Order 337*, to be able to acquire Thai citizenship. In order to gain citizenship, applicants are required to provide evidence of their birth, their permanent residency in Thailand and be able to demonstrate good behaviour.

Although the *Nationality Act (No. 4) B.E. 2551* (2008) can provide Thai citizenship to those who were previously unable to access it due to *Order 337*, as well as to their children, there are some problems about the proof of their birth registration, their permanent residency and the clarification of 'good behaviour', which may undermine their right to obtain Thai citizenship. Implementation of the *Nationality Act B.E. 2551* (2008) faces many challenges, especially paragraph two of Chapter 1 Section 7 which states the following:

In case the Minister deems it appropriate, he may consider and give an order for each particular case granting Thai nationality to any person under paragraph one, in conformity with the rules prescribed by the Cabinet (*Nationality Act (No. 4), B.E. 2551 2008*, p. 2).

This Act gives full authority to the Minister to decide case by case regarding children who were born to an alien parent and whether they are approved to receive Thai citizenship.

Recently, Thailand applied the *Nationality Act B.E. 2508* as amended by *Nationality Act (No.5) B.E. 2555* (2012) in Section 4 to allow displaced Thai people outside the country to migrate to, and reside in the Kingdom of Thailand, and regain Thai citizenship. The requirements for obtaining Thai citizenship have not changed. Chapter 1 section 7 and section 7 bis remain the same. This new act adds a new definition of ‘Displaced Thai Persons’ in between the definitions of ‘Alien’ and ‘Committee’ in section 4. It is expected to solve problems relating to the citizenship of displaced Thai persons, because of the change in the territorial boundary of Thailand³⁴, whilst the problem of stateless persons who were born in Thailand remains unresolved.

Table 4.1: Significant Changes in Thailand’s Nationality Law

Year	Siam/Thailand’s Nationality Act	Changes
1909	<i>Census of People in The Kingdom Act Ror Sor 128</i>	Civil Registration Law: Siamese nationality based on <i>jus sanguinis</i> principle and the principle of loyalty
1911	<i>Naturalisation Act Ror Sor 130</i>	Naturalisation based on the <i>sui juris</i> principle
1913	<i>Nationality Act B.E. 2456</i>	<i>Jus sanguinis</i> principle and <i>jus soli</i> principle
1965	<i>Nationality Act B.E. 2508</i>	Emphasis on <i>jus sanguinis</i> principle; <i>jus soli</i> principle with restrictions
1972	<i>Regulation of Revolutionary Party No. 337</i>	<i>Jus sanguinis</i> principle due to the fear of displaced people from communist countries
2008	<i>Nationality Act (No. 4), B.E. 2551</i>	<i>Jus sanguinis</i> principle: restores Thai nationality to those who were affected by Order 337
2012	<i>Nationality Act (No.5) B.E. 2555</i>	<i>Jus sanguinis</i> principle: restores Thai nationality to displaced Thais who used

³⁴ Published in *Royal Thai Government Gazette*, 21 May 2012, vol. 66, no. 4, pp. 128–130.

Year	Siam/Thailand's Nationality Act	Changes
		to live outside the country and decided to move to Thailand in the 1980's

Source: Developed by Ladawan Khaikham, 2016

The legal status of a Thai citizen is subject to change in accordance with the changing law. Thai citizenship can be granted to those who were born to Thai parentage regardless of the place of birth, while anyone who was born in Thailand can request Thai citizenship with many restrictions, justified by the state due to national security reasons. The legal changes reflect the unstable notion of citizenship. The relationship between the state and its people has also changed. The law excludes a number of people who were unable to access the law in the past and the current aliens who immigrated into Thailand from neighbouring countries. Consequently, the law leads to statelessness in Thailand. Later on, their descendants, who were born in Thai territory, are inevitably also stateless and are deemed to have entered and resided in the country illegally. As a result, their rights and freedoms are restricted and they are faced with deportation to the place where they have never been.

The release of *Order 337* in 1972 represented the fear of the Thai Government that there would be an influx of refugees and displaced people from neighbouring communist countries. Although *Order 337* was withdrawn in 1992, and Thai citizenship was returned in 2008 to those who were affected by Order 337, the fear remains.

The Royal Thai Government (RTG) still considers that stateless people, as individuals without legal status, pose an important threat to national security. It is stated in the *Nationality Act (No. 4), B.E. 2551 (2008)* Chapter 1, section 7 bis that

The person who is born within the Thai Kingdom and has not acquired Thai nationality under paragraph one shall reside in the Thai Kingdom under conditions stated in the Ministerial Regulation, but principles of national security and human rights have to be considered as well. Nevertheless, the person shall be deemed to have entered and resided in the Thai Kingdom without permission under the law on immigration when there is no such Ministerial Regulation (*Nationality Act (No. 4), B.E. 2551 2008*, p. 2).

This is because the Thai government assumes that these people entered the kingdom to seek better lives. The government believes that they would do anything illegal in order to

survive. Therefore, the government resorted to ‘every means’ to shut the door on these people by invoking Thai domestic law that prevents children born to illegal migrant parents from gaining citizenship.

4.4. Borderlines Drawn between the Groups of Indigenous People

The statelessness problem has occurred because of the birth of modern states and borderlines that have been drawn between Thailand and neighbouring countries. As mentioned before, the Siamese court had no notion of a boundary. When a representative of the British government, Henry Burney, in 1825 requested the court to negotiate the borderline on the western frontier of Siam, the court instead allowed those who resided in the areas to decide where the boundaries between the English and Siamese should be (Winichakul 1994). This practice shows that the Siamese court paid no attention to the boundary, and the residents around the border saw no significant purpose in fixing the border between the two political powers.

Figure 4.1: Natural border between Thailand and Myanmar in Kanchanaburi province



Source: Photo by Ladawan Khaikham, 12 December 2014

The development of Western-style political mapping techniques and the emergence of a modern state forced the Siamese court to fix the borderline (Winichakul 1994). Consequently, new national boundaries were established in accordance with the 1909 treaty between the United Kingdom and the Kingdom of Siam. The legal borderlines have enforced legal separation between states, as a symbol of the state's power which attempts to control 'space, movement, sequence and position' (Gainsborough 2009, p.4). Physically, the lines did not appear on the ground of the earth's surface, but these lines were drawn on a map without attention to the people living on the frontier. The existence of the borders reflects the central role of the state and reinforces a sense of the state's existence, as if it is entirely free from society (Gainsborough 2009). The modernist view of the state has celebrated its success in the possession of land and control of its subjects through its territory. State control of human movement, particularly the restricted flows of goods and people across borders, has been established to ensure the state's security, an important correlative of which is to seek to ensure the subject's loyalty to the state (Laungaramsri 2014).

Figure 4.2: Natural Border between Thailand and Myanmar in Mae La refugee camp



Source: Photo by Ladawan Khaikham, 20 August 2014

On the other hand, according to Keyes (2002), this project created a new problem of ethnic division, because the legal borderlines served not only to enforce legal separation between states, but also disconnected the groups of Indigenous people who have lived in-between. The legal lines ignored the traditional cultural and economic relations of the people who ‘see themselves and are recognized as belonging to border-crossing communities’ (Keyes 2002, p.1187). It also makes them become ‘people who live along the border’, although most of them can trace their ancestors and history from the other side of the border.

Case Study 1: Por Tu’s Parents

Por Tu’s parents are an example of people whose family was separated because of the border being drawn between Tak province and Karen state, Myanmar. Due to free movement prior to the boundary control, many Karen people escaped conflict and poverty in neighbouring Myanmar and came to Thailand. Some travelled across the border between Thailand and Myanmar on an everyday basis. Por Tu’s mother made regular visits to their family in Karen state in Myanmar, although she and her husband are farmers and have already settled down in Tak province. Por Tu’s parents were not conscious of the differences between Karen state in Myanmar and Tak province, until the Thai government began to pay more attention to the people who crossed the border regularly, due to Thailand’s border security policy. Without proof of Thai or Myanmar citizenship, Por Tu’s family is unable to cross the border to visit their family in Myanmar.

The immigration police did not let me pass the border to Myanmar. I cannot visit my grandparents, because I have no citizenship document to show the police. In fact, I have had no document at all since I was born. Some people suggest that I make a passport, but some say a passport is useless too.

Source: Stateless youth, FGD, Chiang Mai province, 17 November 2014

Border checks began because the government wanted to control people at the border due to the production and trade in opium in Thailand (Keyes 2002). The people of ethnic

groups such as Karen, Hmong and a few others were provided with a 13-digit ID Code, different from that of a ‘Thai citizen’ (Keyes 2002, p.1171). The process of identity check is very risky for ‘a person with no roots’ such as Por Tu’s parents, because they face deportation, if the police find out their legal status. After the border control was established, Por Tu’s family had to stop visiting their family in Myanmar. Nineteen years after her birth, Por Tu has never visited her grandparents, or been to Karen state in Myanmar at all.

The situation for Por Tu’s family applies to many migrant families along the Thailand–Myanmar border. From the government’s perspective, state control at the border has operated very well, as it makes people without an identity card feel very uneasy about crossing the border. People can no longer freely cross the border because of the many documents required and, for illegal persons, fear of deportation, which would make them lose everything they have on the Thai side.

Figure 4.3: Tha Song Yang natural border crossing in Tak province



Source: Photo by Ladawan Khaikham, 12 September 2014

However, local practice is different from the official picture. What shows on a map is a closed borderline drawn all over the state. In reality, it is impossible to close the border

completely. A 1,700 km long mountain chain of the Tenasserim Hills or *Thiokhao Tanaosi* and the low-lying Kraburi River, which runs along the southern border of Myanmar and the western border of Thailand, have served as the natural separation line between the two states. The natural areas have never been closed, because it is impossible for the government to establish check points all along the border. On the other hand, people of both countries continue to seek and use natural space for border crossing and exchanging products and other supplies. People always find their own ways to manage and access the border crossing points, although it takes more time, around 5–8 days, mostly at night, and more effort to do it, such as walking and boating (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

Figure 4.4: Rented boat in Moei River between Tak province, Thailand and Myawaddy, Myanmar



Source: Photo by Ladawan Khaikham, 12 September 2014

4.5. Failure of the Civil Registration Survey

Statelessness in Thailand also arises from the failure of the civil registration survey due to registering errors. The Phibunsongkhram government (1938–1944) thought about issuing a national identity card in 1942 followed by the *National Identity Card Act B.E. 2486* (1943). However, implementation was delayed for 10 years due to lack of resources.

The first Thai identity card was issued in 1953 for the residents of Bangkok and Thon Buri ‘to furnish a legal proof of identity, to facilitate law enforcement officials’ efforts to combat crime, to indicate eligibility for social services and to be a means of verifying voting rights at elections’ (Ramasoota 2000, p.87). The nationwide ID card was issued by the Sarit government in 1962–1965 as a result of the large influx of refugees from Laos and Cambodia who migrated into Thai territory (Ramasoota 2000). The card was meant to prevent and control illegal border crossings, although it was difficult to differentiate the Thais from the non-Thai who already lived in the country.

In 1956, the *Civil Registration Act B.E. 2499* (1956) was passed to underpin the conduct of a nationwide civil registration survey. Civil registration aims ‘to serve as legal evidence of [an] individual’ and ‘to promote national security’ (Ramasoota 2000, p.99). However, this survey failed to include everyone in the country due to the restructure of the census office of the Ministry of Interior’s Local Administration Department into the Registration Administration Bureau. Insufficient technology for record keeping, difficult access to the local villages in remote areas, and lack of government interest contributed to this outcome (Waas et al. 2015). At the same time, with limited access to government information, many Indigenous people along the border had difficulty accessing the survey. As a result, they remained unregistered and undocumented. Without an identity document, they are invisible to the Thai authorities. Hence, local officials categorised them as stateless people (NGO representative, in-depth interview, Mae Sot, Tak province, 7 September 2014).

Case Study 2: Boon's Case

Boon's parents were born before the *Nationality Act 1913* was put into effect. They should be recognised as Thai nationals according to customary law, and Boon should have Thai citizenship derived from his parents according to the *jus sanguinis* principle. Unfortunately, Boon's mother was away when the survey was conducted in 1956. She was then excluded from the survey and deprived of Thai citizenship. Boon was born in 1941 in Chiang Mai province, and has been facing the problem of being a stateless person since birth up to 1999. Boon has tried very hard to provide

1. His parents' birth certificates to prove that they were born in Thailand before 1913.
2. His connection with his parents such as local witnesses in his communities or his DNA result that connects him with his parents.

Source: NGO representative, in-depth interview, Chiang Mai province, 20 November 2014

Boon's case is exceptional. Eventually, after struggling for a long time to prove his Thai citizenship, through the civil register survey and nationality law combined, Boon's statelessness ended in 1999, when his first Thai identity card was issued. Since his 58th birthday, he has been able to enjoy his Thai citizenship (stateless person, in-depth interview, Chiang Mai province, 2014).

This good fortune has not applied in every case. Many people missed the survey. The Thai authorities forced them to hold an identification document entitled 'Displaced Person with Burmese Nationality' during 1977–1979 to end the survey process quickly.

The identity card and household registration perform important roles in demonstrating the state's power over its subjects. As Laungaramsri (2014) argues, these documents reflect on 'the establishment of citizenship by binding body, identity and citizenship together' (p. 147). The practice of issuing identity cards and household registration allows the state to have fixed, direct contact and enforcement 'between its ruling bureaucracy

and its citizenry' (Laungaramsri 2014, p.147). Without the official document, the government does not recognise the individual's existence.

Case Study 3: Sun Sun's Case

Sun Sun's father is one of the ethnic minority people who has been going back and forth between Thailand and Myanmar. When the household survey was conducted in his province, he was away in Myanmar. Without knowing that the survey was being conducted, he could not make his way to participate in the survey on time, even though his settlement was in Tak province. Only a month later, after returning to Thailand, his name was absent from the household registration document. Sun Sun's father was forced to accept the 'Displaced Person with Burmese Nationality' card. By holding this card, Sun Sun's father is categorised as an alien who entered Thailand illegally, but is permitted to reside in Thailand temporarily. This card deprived him and his children of acquiring Thai citizenship. As his child, Sun Sun is not recognised as a Thai citizen, although she was born in Thailand.

Source: Stateless youth, FGD, Chiang Mai province, 10 November 2014

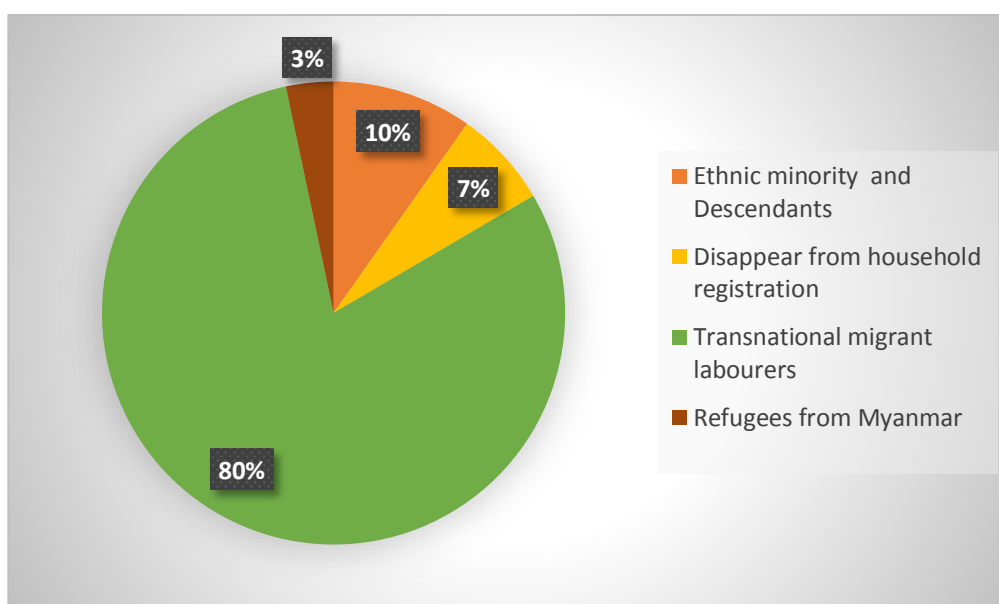
The Thai government has divided a group of stateless persons or 'a person with no roots' into four categories. According to limited data provided publicly in 2011 by the Registration Administration, Ministry of Interior, these people are assumed to have entered the country illegally, because they have no proof of identification. These people are categorised into different groups due to different places and times when registration has occurred. However, the four groups can be categorised by the identity number that appears in identity documents provided by the Thai government (Achavanitkul 2011).

Table 4.2: Number of people who are registered as ‘stateless people and people with no roots’ in Thailand in 2010

Registration Categories	Number
1. Total ethnic minority and descendants	303,610
2. Absent from household registration	210,182
3. Transnational migrant labourers from Myanmar, Cambodia and Laos	2,487,015
4. Refugees from Myanmar in Thailand who live in temporary shelters provided by the Government	102,664
Total	3,103,471

Source: Achavanitkul (2011)

Figure 4.5: Percentage of people registered as ‘stateless people and people with no roots’ in Thailand in 2010



Source: Achavanitkul (2011)

The recent official number of registered stateless people in Thailand is 438,821 (Jedsadachaiyut and Al-jasem 2016; Rakkanam 2017). However UNHCR believed that the total number of stateless people in Thailand ranges between two to three and a half million, because many people, including Karen, Mon, Hmong and Rohingya Muslims from Myanmar, are not registered with the Thai government (Waas et al. 2015; Rakkanam

2017). According to the Faculty of Law, Thammasat University (*Thairath Online* 2015; Saisoonthorn 2003), stateless people in Thailand are of two kinds. The first group is about 200,000–300,000 children who do not have citizenship. Most are from neighbouring countries, including Myanmar. The second group is stateless people who are not registered in the civil registration system of any country. Without the official data, UNHCR (2013) estimated that there are more than 54,000 unregistered asylum-seekers in nine camps along the Thailand–Myanmar border. Most of them are ethnic minorities such as Karen and Mon in Thailand.

Their statelessness has been transferred to their descendants. The problem of law enforcement and the narrow legal category applied in the past have negative consequences for the recent generation of stateless children and young adults who were born and reside in the country.

Case Study 4: Mon Mon's Case

Mon Mon's father was one of those who missed the civil register survey. Mon Mon was born in 1994 in Thailand's public hospital in Chiang Mai. Due to his father not being in the household registration document, Mon Mon's birth registration indicated his status as 'the person who was absent from the household registration'. Because of this, he was excluded from acquiring Thai citizenship. His right was limited to being a stateless person residing in Thailand.

Source: Parent of stateless youth, in-depth interview, Chiang Mai province, 18 November 2014

This situation also applies to at least 210,182 people who were absent from the household registration (Achavanitkul 2011).

Case Study 5: Saw Pu's Case

Parents of Saw Pu are ethnic Karen living along the Thailand–Myanmar border. Before Saw Pu was born, her parents regularly visited their family in Karen state in Myanmar. Saw Pu's mother

was examined by the Thai authorities. Since she could not provide any evidence of her birth to the state, she received the identity number from the Thai authorities beginning with the number '6'. Without knowing it, Saw Pu's mother was already legally categorised as ethnic minority, or stateless person, by the Thai state. Since it did not make any change to her life, she paid no attention to it.

However, when Saw Pu was born in a public hospital in Mae Sot, her mother's identity number made Saw Pu hold an identity number beginning with number '7' as she is recognised as a child of an ethnic minority, but not a Thai citizen, although she was born in Thailand, educated in Thai schools, and speaks and writes Thai perfectly. Her rights and freedoms are restricted by the state authority.

Source: Stateless youth, FGD, Mae Sot, Tak province, 20 September 2014

4.6. Problems in Understanding the Nationality Laws

The lack of understanding of the Thai nationality laws among local officials can also contribute to the stateless situation in Thailand. To begin with, there is no official guideline for the hospital to issue birth certificates to children of illegal alien parents, particularly babies born to parents who are illegal migrants in Thailand (Waas et al. 2015). In the bureaucratic process, all children, including those who are born to foreign parents, are now allowed to obtain a birth certificate, if they are born in Thailand. Many of the hospitals, however, simply do not record the births of the children of illegal alien parents (Nyo 2001, p.54).

My mom told me that it was very difficult to have my birth certificate because the hospital did not provide it to her. She had to pay a lot of money for them to give her my birth certificate. If I do not have the birth certificate, I will have nothing. But it is indicated in my birth certificate that I have 'no nationality' because my mom is not Thai and I do not have a father either (stateless youth, FGD, Chiang Mai province, 10 November 2014).

At hospitals in areas with large numbers of migrants, such as in Ranong and Samut Sakorn, 'pregnant Burmese women are allowed to deliver their babies ... [and] the babies are

given health and medical support based on humanitarian principles' (Nyo 2001, p.54). However, some hospital staff 'remove the birth records of these babies from the doctor's appointment book to prevent the children from claiming Thai nationality' (Yang 2006, p.523).

In addition, the legal status of a Thai citizen was subject to withdrawal. The phenomenon of citizenship withdrawal from 1,243 villagers in Mae Ai district, Chiang Mai province in 2002 demonstrates the lack of understanding of Thai nationality laws among local officials and officials of the Department of Public Administration (Saisoonthorn 2006, p.45). In this case, the addition of 1,243 names of villagers to the household registration in Mae Ai district approved by a previous district chief officer during 1996–2000 was cancelled by an order from the Department of Public Administration (*Manager Online* 2005; Saisoonthorn 2006). This cancellation made these villagers lose Thai citizenship and become stateless aliens due to the absence of their name in the household registration. Mae Ai villagers protested in front of the Administration Court building in Chiang Mai province to defend their legal status. These cases happened because the Mae Ai district officials did not see these people as 'Thai' (Laungaramsri 2014, p. 143). They have been living along the border and are seen as people from Myanmar who are ethnically and culturally different from the Thai (*Manager Online* 2005). Consequently, these people had to file a case against the cancellation order.

To help the villagers regain Thai citizenship, academics and NGOs intervened to advise and assist villagers to prove that they have the right to be on the household registration and have Thai citizenship. With the support of lawyers from the Lawyers Council of Thailand and a previous district chief official, this case was brought to the Administrative Court in Chiang Mai province between 2002 and 2005. Thai citizenship is very hard to regain, because the process involves examining an individual's family history, the evidence of official documents, witnesses from their community and finally the district official's discretion to approve each individual receiving Thai citizenship.

After three years, a result was released. The Administrative Court disagreed with the Department of Public Administration's withdrawal of villagers' names from the household registration in 2002. Eventually, the court ordered that the Thai citizenship cancellation of the Mae Ai villagers was illegal (*Manager Online* 2005).

...An administrative order was issued unlawfully. The court ordered that the announcement of Mae Ai district, dated February 5, 2545 be dismissed and the order affects everyone who was affected by the announcement (Sa-Nguanwong 2005, p. 9).

The court assumed that the villagers have Thai citizenship by birth. By order of the court, Thai citizenship was returned to the 1,243 villagers of Mae Ai district On 8 September 2005. This lack of understanding of the citizenship law among local officials can contribute significantly to the statelessness situation in Thailand.

4.7. Political Changes and Unsettled Citizenship Policy

Statelessness also arises from political changes which make national policy on granting citizenship unstable. Political instability since 1988 and armed ethnic struggles in Myanmar have resulted in the influx of displaced persons from Myanmar to Thailand. As the Thai government has not ratified the *1951 United Nations Refugee Convention*, approximately 140,000 displaced people from Myanmar do not have official refugee status. In principle, they are allowed to stay only in the areas called a ‘temporary shelter’ along the Thailand–Myanmar border with the assistance of the United Nations High Commissioner for Refugees (UNHCR). Refugees without identity proof found outside the camp are considered illegal migrants who are subject to deportation.

In practice, these refugees go to a nearby border town for work on a daily basis. The labour shortage in certain sectors of Thai industries since 1992 has encouraged the Thai state to introduce a new category of registered illegal migrant worker from Myanmar, Laos and Cambodia (Pongsawat 2007). This process has become one of the many pull factors that transfers refugees to the status of being illegal migrant workers in the border towns. Since 1992, Thailand has adopted an immigration policy which allows illegal unskilled foreign migrant workers to work temporarily in Thailand (Chantavanich 2007). A number of their children has been born in Thailand. It was estimated in 2012 that there were approximately 377,000 migrant children under 18 years old, while about 82,000 children were born to unregistered migrant parents (Huguet, Chamrathirong and Claudia 2012, pp.5–6). Refugees who work outside the camps have to keep their children with them, or send them to a relative in the shelters. These children are considered as stateless persons, who are unable to obtain Thai citizenship. They are allowed to live in a

specific area, while waiting for deportation or any further policy change (Pongsawat 2007).

In 2001, the Thaksin Shinawatra government (2001–2006), made some changes to granting Thai citizenship. The Thai Cabinet allowed individuals who have taken part in a previous government survey and lack identification to stay for one year in Thailand with temporary residency. To apply for Thai citizenship, however, they have to prove that they have been born in Thailand and that one of their parents is Thai. People born in remote and mountainous areas found these requirements very difficult as they lacked documents and other evidence to prove their birthplace and parental relationship. A one year deadline was too short to prove their status. Consequently, many people have been left stateless by being considered merely as illegal migrants. Although a number of refugees has been allowed to live in temporary refugee camps, there are more than two million people who live and work outside the camps illegally. Children born to these people in Thailand are ineligible for citizenship, either in Myanmar or in Thailand (Nyo 2001; Quinnell and Perri 2014).

On Thailand's Children's Day 2006, a stateless girl from Sop Moei Wittayakom School in Mae Hong Son's Sop Moei district sent a letter to Prime Minister Thaksin Shinawatra begging for Thai citizenship (Noonoon 2006). The letter was the first step that led Prime Minister Thaksin Shinawatra to declare that Thai citizenship would be granted to two million stateless people living on Thai territory (*The Nation* 2006). This policy was expected to cover different groups of stateless people, including children studying in Thailand and other migrants, who have been living in the kingdom for at least 10 consecutive years. Unfortunately, Prime Minister Thaksin Shinawatra was overthrown later in 2006, and processes for obtaining citizenship in Thailand were not continued as the policy was not considered an urgent issue (Polutan 2012).

The lives of stateless young adults were at risk again in 2013. Thailand's Ministry of Interior planned to release a draft Ministerial Regulation to specify the status and conditions to stay in Thailand for persons who have been born in Thailand but do not have Thai citizenship (Asian Human Rights Commission 2013; Ministry of Foreign Affairs 2017). This draft prescribes the legal status and conditions for residing in Thailand of persons born in Thailand who have not yet acquired Thai citizenship. It would deprive

children born to non-Thai parents of citizenship. Under the draft regulation, anyone born in Thailand, to non-Thai parents would be deemed to have entered and resided in Thailand without permission under the *Immigration Act B.E. 2522* (1979). This includes those children and young adults who were born in Thailand and have not left the country, so that they have not entered the country, whether legally or illegally. As a result, stateless children would be forced to leave the country without being able to choose between staying in Thailand or moving to Myanmar. This would be the case even though they were born in Thailand; they have no right to stay (Asian Human Rights Commission 2013).

Fortunately, political unrest in Thailand in 2014 delayed the draft as well as the approval process for citizenship. As one of the informants said, it is very easy to notice that

[c]ompared to the elected government, the Thai government resulting from the Coup sees the request for Thai citizenship as important. When an elected government puts more concentration on economic development, the request for Thai citizenship is always delayed. For my understanding, the delay is because of the inflexible main policy from the central government. I would suggest local government participate in the approval of citizenship (NGO representative, in-depth interview, Chiang Mai province, 10 November 2014).

In 2015, the Royal Thai Government announced that 18,773 (about 4.2 per cent) stateless people in Thailand have been granted Thai citizenship in the last three years (Rakkanam 2017). Many of them are hill tribe persons who have ancestral ties to their territory and are ethnically different from the Thai majority. Granting citizenship to hill tribe people is a matter for Thailand's national security, as these stateless people are seen as being involved in the drug trade and other illegal activities along the borders. A few children of illegal migrants, who fled from Myanmar to Thailand, were granted citizenship in 2015. This granting of citizenship is a result of Thailand's establishment of a legal framework such as the *National Strategy on Administration of Legal Status and Rights of Persons* in 2005 and its nationality law reform in 2008 (Batha 2015; Spindler 2016; Jedsadachaiyut and Al-jasem 2016).

In reality, seeking Thai citizenship is fraught with difficulties. According to national security policy 2015–2021, the government is focused on external threats which involve the border management, illegal migrants and stateless people. The government aims to solve the problem of illegal border crossing by non-Thai immigrants and individuals without legal status (stateless people) (Office of the National Security Council 2015,

pp.13–25). The government's database shows that Thailand has a total registered population of 438,821 stateless people which is very different from the number of *de facto* stateless persons estimated by the UNHCR (506,197 persons) (Jedsadachaiyut and Al-jasem 2016; Kneebone 2017). It is unlikely that the statelessness situation in Thailand will be solved by 2024, in line with the UNHCR's campaign to end statelessness by 2024 (Bloom 2014).

The process of applying for Thai citizenship is very difficult. Some people have to wait more than 10 years. Thailand has more than ten thousand stateless children. They are born in Thailand or along Thailand's border. These children and young adults are living in Thailand. They are studying in Thai schools. They have grown up as Thais, but their rights are limited because they cannot choose to be born. There are many limitations on their lives. Not being granted Thai citizenship only because of their non-Thai parents, is really inhumane (NGO representative, Mae Sot, Tak province, in-depth interview, 10 September 2014).

4.8. The Failure to Obtain a Birth Certificate

In 1992, The Thai government ratified the UN *Convention on the Rights of the Child* (CRC) (1989) and instructed all state hospitals to issue birth registration documents to all parents. According to Article 7 of the Convention (1989, p. 3)

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

In reality, stateless minorities are not aware that, because they do not have citizenship, their children fail to have citizenship as well. There are two main reasons for this failure. Firstly, there are many difficulties in accessing the birth certificate at the time of birth. Secondly, many migrant parents overlook the importance of their child's birth registration.

4.8.1. Difficulties in Accessing the Birth Certificate

Thousands of people have been living in highland and remote areas where the original census surveys have never been available to them. Many policies relating to their rights have never been translated into their original languages (Calderbank 2008). The problems of access and translation have occurred in terms of birth certificates. In practice, many

parents did not obtain birth certificates for their children due to the complexity of the process. For example, the parents need to travel from remote areas to district offices for registration. Also there are reports of some local officials charging fees for the certificate from local parents, although it was supposed to be free.

Many local people have given birth to their children in remote areas. They did not have time to travel to the hospital in the city. People prefer to have a midwife to help them deliver. When a child is born, people are too busy to travel to the government office which is located far away from their house, so they do not bother to register their new born baby. These people are ethnic minority too. They do not want to get themselves in trouble by seeing officials. They do not understand and cannot write Thai much. Going there is time consuming. They would rather work for a living than waste their time getting their child registered (Government official, Mae Sot, Tak province, in-depth interview, 20 September 2014).

Along the Thailand–Myanmar border, particularly in Mae Sot district, migrant parents can go to Thai hospitals or health care centres provided by NGOs for delivery. Some migrant parents are provided a delivery letter or certificate after birth. Some parents can ask for birth registration for their child. However, most illegal migrant workers, especially those who are out of the camp seeking a job, are not keen to request a birth registration certificate for their children, because they are afraid that they will be asked to provide proof of identity. Although illegal migrant parents and refugees are entitled to request a delivery certificate and birth registration, it is very risky for them to return to the hospital three days after the request to collect it, because they are afraid of deportation, if the government officials know of their existence.

Birth registration had never operated in refugee camps along the Thailand–Myanmar border previously. This is because the Thai government was unaware that these people were staying a long time in the camps. The Thai government believed that most displaced people were attached to their homeland in Myanmar, so they might return home after a short stay. (Wangsiriphaisan et al. 2010). However, after the first refugee settlements in Tak province were established in 1984, the Thai government realised that many people stayed for a long time. Consequently, many infant children and youth aged 0 up to 20 years old have been born in temporary shelter areas. In fact, these children have never left the temporary shelter areas or refugee camps on the Thai side of the border. Since 2001 the situation regarding birth registration has changed. Government authorities have tried to provide birth certificates for new born babies in refugee camps. As of the end of

November 2001, 1,700 birth certificates had been issued to new born babies in the camps. However, birth certificates are issued only to children of registered refugees and only registered parents can register the birth of their child at the Thai municipality office (Committee for the Protection and Promotion of Child Rights (Burma) 2009).

Moreover, the government officials are often unable to reach them to provide birth certificates. Some people from the camp try very hard to make their way to Mae Sot Hospital (MSH) for delivery.

My mom came from Karen state in Myanmar. She moved to live in a refugee camp in Mae La refugee camp in Tha Song Yang District, but I was not born in the camp. My mom was very lucky to come to Mae Sot Hospital to give birth to me. My mom did not want me to be born in the camp. I was born in the hospital. I do not know if my mom was given my birth certificate or not. Now I do not have my birth certificate (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

Since opening in 1989, Mae Tao Clinic (MTC) has been widely recognised among refugees and migrant workers as a community hospital run by Dr. Cynthia Maung, who was displaced in 1988. The clinic has been providing health care services to the Myanmar refugees, legal and illegal migrant population in Mae Sot province and around the area. At the clinic, all babies are provided with birth documents. With this document, the parents can apply for a Thai birth certificate and 13-digit ID Code at the municipality office, although this number does not confer Thai citizenship³⁵ (Mae Tao Clinic's officer, in-depth interview, Mae Sot, Tak province, 16 September 2014).

Case Study 6: Ma: A Mother of a Stateless Youth

Ma, 35 years old, from Karen state, came to live in a refugee camp for a while before she searched for a job outside the camp. She has now been working on a farm in Phop Pra District, Thailand, for more than 8 years. During her pregnancy, she went to visit Mae Tao Clinic once because she was aware of her status as an illegal worker.

³⁵ Children born to migrant parents in Mae Tao Clinic are provided with birth documents with the 13-digit ID Code beginning with number '0' which categorises them as stateless people without civil registration records, and who have not been granted Thai citizenship. They have been permitted to live temporarily in Thailand (NGO representative, in-depth interview, Mae Sot, Tak province, 10 September 2014).

She was afraid of being arrested by the police along the way since she does not have any legal document.

I was seven months into my pregnancy when I decided to come to the clinic to give birth. After the birth, I processed my baby to get a Thai birth certificate and ID number. With the help of the clinic staff and the birth document from the clinic, I hope my baby will get them soon.

Source: A mother of a stateless youth, in-depth interview, Mae Sot, Tak province, 8 September 2014

Since the establishment of the Committee for Protection and Promotion of Child Rights (CPPCR) in 2002, all babies who are born in the clinic are registered with the CPPCR. This service is also for unregistered migrants who are afraid of going to the municipality office for their child's registration. According to CPPCR (2009), more than 13,400 children registered with CPPCR between July 2003 and December 2008. With the objective of decreasing the number of children without documents, registered children are provided with either a Birth Registration Record³⁶ or a Child Record³⁷. These documents are recognised by UNHCR's resettlement programme and some community-based migrant learning centres (Committee for the Protection and Promotion of Child Rights (Burma) 2009; Mae Tao Clinic's officer, in-depth interview, Mae Sot, Tak province, 16 September 2014).

4.8.2. Recognition of the Importance of Birth Registration

Many migrant parents fail to recognise the importance of their child's birth registration. Even though the birth registration service has been provided conveniently at hospitals, the clinic and the Thai municipality office, local people, especially illegal migrant workers, fail to register their child, because they do not think that their child's birth certificate is important. Consequently, their child is not registered at birth, or the birth certificate is not carefully kept.

³⁶ Any children who already have a delivery certificate from any hospital in Thailand or Myanmar and babies who are registered with CPPCR within 15 days of birth are provided with a Birth Registration Record.

³⁷ A Child Record is provided to any registered children who are under 15 years old and do not have any document.

The majority of children born in remote areas are delivered by local midwives who have no knowledge of the importance of the birth certificate. The parents are not advised to get their child registered and to process the birth certificate correctly after the birth of the child. Thai authorities attempt to reach them and provide birth certificates, but it is impossible to get everyone registered due to difficulties of access and distance. On the other hand, parents in remote areas do not want to travel to the municipality office located in the city. Moreover, support from the NGOs such as CPPCR is not totally successful. CPPCR is accessible to everyone, but more than 25 per cent of babies are left unregistered because their parents do not know that the birth certificate is important (Committee for the Protection and Promotion of Child Rights (Burma) 2009). Therefore, these babies are unable to receive their birth registration.

Many illegal migrants can make their way to a Thai hospital. Normally, parents are provided with their child's birth certificate at the hospital. These parents can use the birth certificate to register their child at the municipality office within 15 days, but they avoid doing so. Their reluctance in going to the office can be seen as a problem that comes with the language barrier, the cost of travel, being time consuming, the cost of a translator and helper, and, importantly, their risk in facing the Thai authorities.

I do not know if this [birth certificate] document is important for my child. At first, I do not want to have it because I need to ask someone to help me to get it. Everything was written in Thai. I cannot read Thai. But my Thai boss said this is important because my child can go to school and go to hospital with this paper, so I should keep it (a parent of a stateless youth, in-depth interview, Mae Sot, Tak province, 7 September 2014).

The birth certificate is not carefully kept because the parents do not think the document is important. It is important to note that illegal parents have to move between the camps or towns frequently. Consequently, the birth certificate is lost easily.

I asked my mom where I was born. She said I was born in Mae Sot Hospital. I asked her again if I have my birth registration or my birth certificate. She was not sure because we have moved around, so she does not care to keep it. Now I do not have my birth certificate, so cannot prove that I was born here (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

The lack of a birth certificate at the time of birth and the loss of the birth certificate, because the parents do not think the document is important make these young adults unable to prove their birth. Without the birth certificate, it is hard for these young adults to access public services and apply for their Thai citizenship in the future.

4.9. Conclusion

This chapter begins with a discussion of the context of Thailand's citizenship law. The discussion of the overseas Chinese in Thailand reflects the success of the Siamese/Thai government's policy in assimilating aliens into Siamese/Thai society. The main elements of statelessness in Thailand are presented. The first element is the complexity of Thailand's nationality law and law enforcement. The second element is the borderlines that were drawn across the groups of Indigenous people. The third element is the failure of the civil registration survey in 1956. Later on, statelessness arising from Thailand's bureaucratic administration and political changes is presented. The final aspect relates to children failing to obtain their birth certificates. Stateless minorities have many difficulties in accessing their birth certificates at the time of birth.

Many stateless young adults were born in Thailand and have never left the country at all. Their stateless status is not their fault. However, without citizenship they are considered as illegal migrants who have entered and resided in Thailand without permission. Accordingly, stateless young adults are not only deprived of their basic rights, including the right to be a citizen, but also are forced to leave the country. The mechanism employed by the Thai state to provide a legal mantle for non-Thai citizens and stateless people is discussed in Chapter 5.

Chapter 5: Legalising Statelessness: National Security Policies towards Stateless People in Thailand

5.1. Introduction

This chapter discusses mechanisms employed by the Thai government to legalise non-Thai migrants and stateless people. This chapter argues that Thailand's national security policies play an important role in legalising non-Thai migrants. In practice, the Thai government has legally categorised stateless people as having semi-legal status which limits their access to rights under Thailand's domestic law. 'Categorisation' is used as a form of state surveillance to control the mobility of the population in the border areas and border crossings as part of national security policies. It restricts these people's lives and makes them subject to the law. However, the lack of a consistent rationale in the categorisation results in marginalising stateless people and places their lives at the mercy of Thailand's domestic law.

5.2. National Security

The concept of national security 'represents the traditional understanding of security, to include the protection of territory and citizens from external threats' such as other states and transnational actors (Liotta and Bilgin 2013, p.111). However, it is one of a number of security concepts which are diverse and contested (Nasu 2011; Suhrke 1999). Since the 1980s, and increasingly since the end of the Cold War, many international relations scholars and foreign policy academics have attempted to construct comprehensive and scientific studies which define the concept of security both from the perception of security threats and the way threats are addressed (Edwards and Waas 2014). However, it is not easy to reach an agreement on the substantive meaning of the concept (Suhrke 1999, p.93).

From the traditional point of view, security is defined in military terms. It primarily focuses 'on state protection from threats to national interests' (Nasu 2011, p.16). In 1957, Hans Kelsen defined security as 'the protection of men against the use of force by other men' (Kelsen 1957, p. 1). This concept strongly connects with national security. It is defined as the physical protection of state territory and national survival by using military power to defend the country. As the ultimate *raison d'être* of sovereign states, national security aims to protect territory from external military threats and attacks (Nasu 2011).

In the late twentieth century, the security concept was adjusted and expanded to include various forms of security such as international security, human security, economic security, environmental security, food security and health security in accordance with international laws.

As a traditional concept of security, national security has been at the centre of security studies for many years. Traditionally, national security focuses mainly on collective self-defence for the survival of a sovereign state. However, the contemporary political situation and public concerns have diversified national security towards wider issues that pose greater threats to the state (Nasu 2011). The contemporary development of the national security concept reflects challenges of interpretation and application of traditional norms and rules in order to be able to incorporate non-traditional security threats such as 'economic vulnerabilities, environmental challenges, political and societal instabilities' (Brauch 2011, p. 64).

As a contested concept, national security has been heavily critiqued. It is difficult to define whose security it is and which dimension of security is being discussed. A vague definition of threats to the nation can be 'used to defend or promote a range of particularistic interests' which may have nothing to do with national interests at all (Suhrke 1999, p.93). The contemporary international political system has been designed to encourage downgrading of the traditional importance of national security in terms of its military aspect. The Western states employ non-military pressures such as law enforcement to handle new forms of insecurity (Suhrke 1999). As a result, non-traditional and non-military usage of security have become the central focus.

On the other hand, the threats posed by non-state transnational terrorists challenge the conventional understanding of the right to self-defence. States have returned to employing military responses instead of law enforcement (Nasu 2011). The right of self-defence allows an armed attack by one against others to be justified. As the concept of national security is changeable, the misuse of it diversifies the security discourse and justifies states in distancing themselves from international legal obligations (Nasu 2011). As a result, national security may pose threats to individuals and may violate their human rights and human security.

5.3. National Security Policies in the Thai Context

The Royal Thai Government (RTG) prioritises national security as an emergency issue that requires immediate action. In Thailand, the concept of national security is controversial and changeable depending on the government's objective. It has been politicised and dominated by the power struggle between the Thai elites, the military-bureaucracy and the capitalist-politicians. McCargo (2002) argues that national security discourses are used to serve the immediate interests of the military and defence elite, rather than protecting the country from genuine threats to the nation.

During the colonial era in Southeast Asia, national security defence was considered successful as Siam was able to maintain its independence throughout the period. Although there were numbers of power struggles, territorial disputes, armed insurgency and wars along the border, the Thai military always found 'strategies to avoid having to fight anyone' (McCargo 2002, p. 55). In fact, the military in Thailand, as an armed bureaucracy, does not usually fight wars or defend national sovereignty. The Thai military exists to exercise control over the civilian population.

Throughout the 1970's, the success of communism in Indochina caused serious concerns for the Thai government, both because of the communist insurgencies in the jungles of Thailand and the influx of refugees from neighbouring Communist countries. The government's anxiety was reflected in Thailand's national security policies, as a result of a series of battles between Royal Thai Army troops and communists, who were considered as 'a threat to the nation, its religion, and its monarchy' (Ettinger 2007, p. 663). Limits on refugees from neighbouring Communist countries, particularly from Vietnam, Laos and Cambodia, were imposed to maintain Thailand's national security. Since then, the national security policies have focused on controlling populations crossing the borders.

5.3.1. Stateless People as a Threat to National Security

The Thai government believes that the country faces several major security threats. Between 2007 and 2011 national security strategy focused on two priorities. Firstly, internal security and stability were to be protected. Secondly, national sovereignty and territorial integrity were to be maintained (Chongkittavorn 2012). The Thai government considered security threats from neighbouring countries such as Myanmar and Cambodia

as major national security challenges that required immediate action (Chachavalpongpun 2014, p.50).

From a national security perspective, during the Thaksin Shinawatra government (2001–2006), perceived threats from Myanmar included ethnic insurgencies resulting in forcibly displaced people from Myanmar, drug trafficking and illegal immigrants. They often ended up in refugee camps along the Thailand–Myanmar border, all of which are directly administrated by the Thai government. Refugee policy is set by the National Security Council (NSC) and implemented by the Ministry of the Interior (MOI). Moreover, other government agencies such as the Royal Thai Army Paramilitary Rangers and the Border Patrol Police control the camps (The Border Consortium (TBC) 2014).

On the other hand, more than two million migrants from Myanmar have made a huge contribution to Thailand's rapid economic growth. Nevertheless, the government considers them as threats to local Thai society (Chachavalpongpun 2014, p. 57). As shown regularly in the Thai media, some non-Thai migrant workers have committed serious crimes in various forms including drug and human trafficking, rape, kidnapping and murder. National security policy towards these illegal migrant workers, however, can have a serious impact on the socio-economic sector in Thailand.

Since the military coup in May 2014, the junta government has pursued two main security policies (Office of the National Security Council 2015). Firstly, the national security policy has focused on peace building in the deep-south conflict zones in Pattani, Yala and Narathiwat. Secondly, the policy focuses on external threats involving the border management and illegal migrants in an attempt to solve the problem of illegal border crossing. This focus demonstrates that Thai national security policy is concerned with the border and illegal non-Thai immigrants.

For the government, the problems of illegal immigration and individuals without legal status (stateless people) need to be resolved so 'that [they do] not affect *national security*' (Shinawatra 2011, p.10). As stated in Thailand's National Security Strategies,

The problem of ethnic insurgencies involves battles along the Thailand–Cambodia border and the Thailand–Republic of the Union of Myanmar (Myanmar) border. The ethnic insurgencies in neighbouring countries cause many problems which have negative impact on the development and national security of Thailand. These problems are (1) displaced people fleeing from fighting and (2) the movement of minority people across the Thailand–Myanmar border. They immigrate across borders into Thailand and are living

in temporary shelter areas along the border between Thailand and Myanmar. In total, nine temporary shelter camps house more than 100,000 people (Office of the National Security Council 2015, p. 47)

There is a number of domestic laws and policies concerning non-Thai citizens including illegal migrants and stateless people in Thailand which derive from the Thai national security policies. Aspects of these are discussed below.

5.4. Legalising Statelessness

The issue of statelessness has raised several concerns in terms of national security. Stateless people, by definition, are individuals without legal status; no state recognises them. Legalising stateless individuals is a challenging idea for the Thai state, although states have the responsibility of Recognition of Legal Personality according to international law (Saisoonthorn 2006). In Thailand, stateless people have no constitutional rights. They are subjected to Thailand's national policies which play important roles in legalising and controlling stateless people.

From the national security perspective, the issue of belonging or not belonging is very important. Before the enactment of the *Nationality Act 1913*, Thailand had never faced the problem of statelessness, but after the enactment, the status of undocumented persons or stateless individuals became problematic, because they were considered as not belonging to Thai society and might do harm to the nation. Due to the nation-state's requirements, the definition of non-citizen was needed (Toyota 2006). The process of 'categorisation' among non-Thai migrants was employed. However, before the 1960's the government did not attempt to document non-Thai individuals. Later on, 'a person without legal status in civil registration' was documented. The issuing of a non-Thai identity document means that the Thai state admits this legal personality as one who is not yet proved to be a Thai citizen, or aliens who are unable to return to their home country.

McCargo (2011) argues that citizenship in Southeast Asia is complicated, particularly in Thailand where the 1997 constitution 'explicitly assigned rights only to citizens: non-citizens had no constitutional rights' (McCargo 2011, p.842). In Thailand a person without identification papers, especially many ethnic minority groups of stateless people in Northern Thailand and large numbers of Myanmar population along the Western border of Thailand, may have experienced being harassed, or asked to pay bribes. They are vulnerable to changing regulation or a rotation of individual officials (McCargo 2011).

Laungaramsri (2003) and McKinnon (2005) argue that hundreds of thousands of stateless Karen people along the Thailand-Myanmar border have been constructed as subject to the state rather than as Thai citizens. They have been randomly checked by police officials on an everyday basis and regularly forced to demonstrate evidence of being Thai. Although Karens are born in Thailand, increasingly speak Thai as their native language, and are educated in the Thai education system, they are not considered as Thais, because they are unable to show their Thai ID card to the state authorities.

Pongsawat (2007) considers the process of issuing the non-Thai citizen identity document as the contemporary Thai state's invention to create 'partial citizenship' of the ethnic minority group. It is a result of the flexibility of the Thai state in handling the situation its own way (Pongsawat 2007). This partial citizenship allows non-Thai individuals to be subjected to Thailand's domestic laws. In exchange, they are allowed to stay temporarily in Thailand, which 'has a tremendous impact on the urban development trajectories at the Thai-Myanmar [border crossing] regions' (Pongsawat 2007, p. 141), because this policy has added numbers of cheap labourers from minority immigrants and registered illegal migrant workers to the Thai economy. Due to national security policy, non-Thai citizens are controlled under a form of state surveillance such as the non-Thai identity document. This document is expected to control the mobility of the population in the border areas and border crossings (Pongsawat 2007).

5.4.1. Coin Identification

The Thai government uses two significant methods in order to legalise non-Thai migrants. Firstly, Coin and Colour ID Card identification are issued to those who are already in Thailand. A non-Thai identity coin was first issued to Vietnamese refugees in 1967 (Pongsawat 2007; Laungaramsri 2014). At the same time, the Thai government initially introduced and provided non-Thai hill tribe individuals and families with hill tribe coins or *Rien chao khao*. Due to the lack of record keeping technology and the frequent movement of hill tribe people, the processes of identification, household registration and proof of citizenship were difficult. The coin contains the late King Bhumibol Adulyadej's image on the front and the abbreviation of the province of residency followed by ID number on the back. This coin was provided and used as *de facto* national ID card to separate Thai subjects from non-Thai subjects. However, the coin cannot confer Thai citizenship. The government used the coin as 'a means of securing the border through

certifying individual identity and controlling movement across the border' (Laungaramsri 2014, p.150) without granting Thai citizenship to non-Thai subjects.

The hill tribe coin was issued by the government to hill tribe people including Karen people in 1969. The Thai government at that time was afraid that the hill tribe people would convert to Communism, so that the coins were provided to be used as ID cards. As you can see, there is the King's image in the front. The back of the coin was endorsed '๗๗' which stands for Chiang Mai with ID number following (NGO representative, in-depth interview, Mae Sot, Tak province, 6 September 2014).

Figure 5.1: Hill tribe coin



Source: Mongyasu 2013

The coin was used as verification of individual and family settlement in Thailand since 1969. Although it was used widely as a national ID along the border and in the mountainous areas, issuing of the coin stopped a year later. The high demand for the coin made it widely stolen. As a result, true ownership of the coin was difficult to prove.

5.4.2. Colour Identification Card

With advances in the technology of record keeping, registered non-Thai migrants are provided with different colour cards (*Bat Si*) for identification according to the various groups to which they are assigned (Laungaramsri 2014). The Thai government recognised 16 groups of non-Thai migrants. They are either minority Indigenous groups such as hill-tribe people or individual illegal immigrants, including asylum seekers from neighbouring countries such as Vietnam, Myanmar, Laos and Cambodia (Pongsawat 2007).

The Thai government recognised minority migrants, who stayed in Thailand before the *Immigration Act B.E. 2522* (1979), as certain groups³⁸ of non-Thai populations. After the implementation of the *Immigration Act B.E. 2522* (1979), illegal migrants were either not allowed to enter the kingdom, or entered the kingdom without the normal legal immigration processes at ‘immigration check points, designated landing stations or areas and in accordance with the prescribed time as published in the Royal Government Gazette by the Minister’ (*Immigration Act B.E. 2522* 1979, p.6). If they had already entered the country, they were subjected to being arrested and deported.

For illegal non-Thai populations who had already entered the country, the government instituted two processes. Firstly, they were registered with the government as minority immigrants in order not to be arrested or deported. Secondly, their mobility was limited while waiting for the government’s decision on their legal status. In the meantime, they had to get permission from a district officer or a governor, if they wanted to leave the district or province where they were registered (Pongsawat 2007).

Since the enactment of the *Immigration Act B.E. 2522* (1979), the legal status of non-Thai migrants has been resolved on a case by case basis. Granting legal status to non-Thai migrants has depended heavily on a series of cabinet resolutions. According to the outcomes at different times, cabinet resolutions concerning non-Thai migrants consist of three different decisions. The first decision is that the Thai government can grant legal or illegal immigrant status to non-Thai migrants. The series of cabinet resolutions that grants legal immigrant status apply to Haw Chinese³⁹, Nepalese and Thai Lue migrants.

It is worth noting here that these card holders are not eligible for Thai citizenship, but their children are eligible for Thai citizenship. For example, Independent Haw Chinese⁴⁰ ID Card holders, Nepalese Immigration ID Card holders and Thai Lue ID Card holders are assigned the status of legal immigrants, but not Thai citizenship, according to cabinet resolutions in 1998 and 2000 respectively. However, their children who were born at specific times in Thailand are eligible for Thai citizenship. The children of Independent

³⁸ These are non-Thai minority immigrants including hill-tribe people.

³⁹ This group is the family of ex-soldiers of the *Kuomintang* army who identified as the ethnic *Haw* or the *Yunannese*. They came to live in the northern part of Thailand 1950–1961 (Pongsawat 2007, p.171).

⁴⁰ This group consists of the *Kuomintang* soldiers who illegally migrated to stay in Thailand’s Northern provinces such as Chiang Mai, Chiang Rai, Mae Hongson, and Phayao during 1962–1978 (Pongsawat 2007, p.171)

Haw Chinese ID Card holders and Nepalese Immigration ID Card holders who were born between 1972 and 1992 are eligible for Thai citizenship, whilst the children of Thai Lue ID Card holders born in Thailand after 1994 are also eligible for Thai citizenship.

On the other hand, illegal immigrant status is granted to those who have to renew their status annually. Highlanders, who participated in the government's survey in 1999 are provided with a green card with red border which was replaced by a pink card in 2007. They are required to verify their status within one year, according to a cabinet resolution in 2000. Moreover, an Aliens Labour Card was provided to illegal migrant workers between 1992 and 2004 in accordance with a cabinet resolution in 1992. Illegal migrant workers from Myanmar, Cambodia and Laos were granted temporary residency in Thailand's four industrial provinces.⁴¹ This was later extended to 43 provinces in 1996, in order to fill the shortage of cheap labourers in some sectors of Thailand's industries (Martin 2007; Lim and Yamada 2013). Later in 2006, the government required employers in all 76 provinces to register migrant workers. As a result, 668,576 migrant workers were registered. An additional 53,202 work permits were issued. In total, Thailand registered about 722,000 migrant workers in 2006 (Martin 2007, pp.2–4). According to the 2014 *Myanmar Population and Housing Census* (Taw 2015), 1,418,472 former Myanmar residents were living in Thailand. These numbers are only registered migrants. They are allowed to extend their residency annually. However, their children are not eligible for Thai citizenship.

The second decision enables the Thai government to permit legal naturalisation of non-Thai citizen card holders and grant Thai citizenship to their children, who were born in Thailand at a certain time, or those who entered the kingdom at a specific time. The cabinet decision allows legal naturalisation to those who hold a Vietnamese Refugee ID Card 1967–1999, Kuo Min Tang (KMT) Soldier ID Card 1984, Displaced People with Myanmar Nationality ID Card 1976, ex-Malayu Communist ID Card 1989–1990, Highlander ID Cards including Mulbri ID Card in 1990 and ID Card of Displaced Person with Thai Race and Myanmar Nationality, who entered Thailand before 1976.

Thai citizenship was returned to two groups of displaced people with Thai origin in Kong Island, Cambodia and Myanmar, if they decided to move back to Thai territory. They

⁴¹ These industrial provinces are Chiang Rai, Tak, Kanchanaburi, and Ranong.

were displaced as a result of the border and territory negotiations in the past. Kong Island was part of the Siamese Kingdom before it was returned to modern Cambodia after the decolonisation of French Indochina. In 1975, the political conflict in Cambodia resulted in an influx of Thai people to Thailand. The government accepted these people of Thai origin and granted Thai citizenship in 1983, 1984 and 1991 respectively (Pongsawat 2007). Displaced persons of Thai origin who hold Burmese nationality are a result of the boundary demarcation between Siam and British Burma during the reign of King Rama VI (1910–1925). These people refused to move across the border to Thailand initially. However, political conflict and ethnic insurgencies in Myanmar since 1948 precipitated their move to provinces on the Thai side. According to a cabinet resolution in 1991, individuals who entered Thailand before 1976 are allowed legal naturalisation (Laungaramsri 2014, p.154). Moreover, their children were eligible to acquire Thai citizenship, if they were born in Thailand at a certain time. For example, the children of those who hold Displaced People with Myanmar Nationality ID Cards, who entered the kingdom before 1976, are eligible for Thai citizenship automatically.

The third decision is an outcome of the Thai government's decision not to assign any status or deport non-Thai migrants to a third country. There are three groups of non-Thai migrants who are affected by this decision. Lao immigrants who have moved to live with relatives outside the refugee camps in provinces along the Thailand–Laos border were firstly provided a Highlander Card in 1977, but later the card was replaced by a Laotian immigrant ID Card which confers no special legal status on the holder. Illegal migrants from Cambodia in 1977 have not yet been assigned any official status. The Thai government set 1977 as the deadline for entering the Kingdom to distinguish legal and illegal migrants from Cambodia. The majority are living in Trat province, however, they have not yet been assigned any official status. Their children are not eligible for Thai citizenship. The third group includes Hmong refugees from Cambodia who lived in Wat Tham Krabok temple, Saraburi province, for 30 years after the Vietnam War. Two batches of cabinet resolutions issued in 2003 deported approximately 15,000 Hmong people to the United States of America (Grigoleit 2006).

In total, 14 of 16 non-Thai migrant groups have been resolved. Most of them have been granted legal or illegal migrant status, whilst their children are eligible for Thai citizenship. Apparently, two groups have not yet been resolved. The legal status of Lao

Immigrant ID Card holders and Illegal Migrants from Cambodia ID Card holders have not been settled. No official legal status has been assigned to them.

Table 5.1: Cabinet resolutions toward non-Thai migrants

	Cabinet Decisions	Non-Thai Citizen ID Card Holders	Children of Non-Thai Migrants
1	Grants Immigrant Status		
	• Legal immigrant status	1) Haw Chinese Refugees Immigrant ID Card	Eligible for Thai citizenship.
		2) Nepalese Immigrant ID Cards	Born between 1972 and 1992 are eligible for Thai citizenship.
		3) Independent Haw Chinese ID Card	Born between 1972 and 1992 are eligible for Thai citizenship.
		4) Thai Lue ID Card	Eligible for Thai citizenship.
	• Illegal immigrant status	5) Highlander's survey ID card (pink card)	Not eligible for Thai citizenship.
		6) Aliens Labour Card	Eligible for Thai citizenship.
2	Legal Naturalisation		
		1) Vietnamese Refugees ID Card	Eligible for Thai citizenship.
		2) Kuo Min Tang (KMT) Solider ID Card	Eligible for Thai citizenship.

	Cabinet Decisions	Non-Thai Citizen ID Card Holders	Children of Non-Thai Migrants
		3) Displaced People with Myanmar Nationality ID Card	Eligible for Thai citizenship.
		4) Highlander ID Card	Born between 1972 and 1985 are eligible for Thai citizenship.
		5) Ex-Malayu Communist ID Card	Eligible for Thai citizenship.
		6) Displaced People of Thai Origin in Kong Island, Cambodia ID Card	Eligible for Thai citizenship.
		7) Displaced Person of Thai Origin and Burmese Nationality ID Card	Eligible for Thai citizenship.
3	Not Yet Assigned any Status or Deported to Third Country		
	• Not yet assigned any status	1) Lao Immigrant ID Card	Not eligible for Thai citizenship.
		2) Illegal Migrants from Cambodia ID Card	Not eligible for Thai citizenship.
	• Deported to a third country	3) Hmong Refugees ID Card	Not eligible for Thai citizenship.

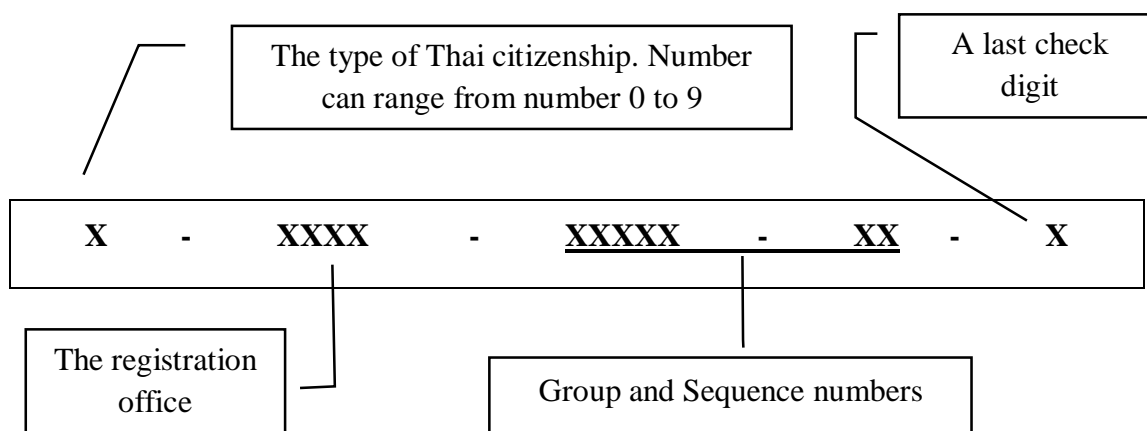
Source: Adapted from Pongsawat (2007) and Laungaramsri (2014)

5.4.3. National Identification Number or 13-digit ID Code

The Thai government issues 13-digit Identification Code to Thai and non-Thai subjects. In 1956, the *Civil Registration Act B.E. 2508 (1965)*⁴² was implemented. The Act allowed the Thai government to register people in the civil registration system nationwide. Since 1976, the Local Administration Department, Ministry of Interior (MOI), has issued the Population Identification Code (PIC) or 13-digit ID Code. A specific number indicated on an individual's birth registration means that person is recognised by Thai law. However, unlike the non-Thai citizen colour identification card, the type of Thai citizenship is indicated with a specific number. In accordance with the government's regulation, the code is to prove the card holder's identity. The 13-digit Identification Code classifies laws and regulations including government services and other entitlements that apply to the various types of citizenship.

This Population Identification Code is widely known as '13-digit ID Code' because it consists of a 13-digit code in this format.

Figure 5.2: The format of Thai national identification number



Source: Adapted from Office of Civil Registration (2009)

Each number means something different. The first digit indicates the type of citizenship which ranges from 0 to 9. The second to fifth digits signify the office where the number was issued. The sixth to twelfth digits are group and sequence numbers, whilst the last digit is a check digit (Office of Civil Registration 2009).

⁴² This Act was revised and replaced by the *Civil Registration Act (No.2), B.E. 2551 (2008)*.

Figure 5.3: Thai citizen ID cards with 13-Digit ID code



Source: Photo by Ladawan Khaikham, 11 August 2015

The government uses this 13-digit ID Code as an important instrument to categorise population in the kingdom, emphasising the first digit that indicates type of citizenship. All individuals living in the country are issued with this code, if they are registered at a clinic, hospital or municipality office. Stateless people in Thailand, such as Indigenous people, displaced people who are fleeing from fighting and have been living in Thailand for a long time, or migrant workers are also provided with a 13-digit ID Code (Napaumporn 2014). However, these numbers do not necessarily indicate their status as a Thai citizen.

According to the Thai Law, when a person was born, one of her parents has to go to related government institutions to record their personal data in order to get her birth certificate. This record is kept in the civil registration to indicate their status as a legal person. When her name is in the civil registration record, she has a right to stay in the district where she is registered. This legal person can be a Thai citizen, other state's citizen, or no state's citizen (Government official, in-depth interview, Mae Hong Son, 2014).

Any new born baby can get a 13-digit ID Code along with his/her birth registration document. In practice, any child born in public and private hospitals in Thailand is provided with a birth certificate. The parent later needs to take this document to the municipality office for their birth registration document and 13-digit ID Code. If the baby is born outside a hospital without a birth certificate, parents can nevertheless present at the municipality office for the birth registration. By advising the district officer, the parents can get their new child registered in their household registration.

Issued by the municipality office, Ministry of Interior, the birth registration is a very important document which must not be lost or used by another person (Office of Civil Registration 2009). Any lost birth registration document can be replaced by advising the municipality office and requesting a replacement. However, the process of replacement is complex and requires many supporting documents, including a police report, witnesses and a small amount of processing fees (NGO representative, in-depth interview, Chiang Mai province, 4 November 2014). Once the 13-digit ID Code is issued by the Office of Civil Registration, it is unchangeable and is used as a representative of the individual when dealing with government offices, institutions and agencies. This number is very important as it certifies the individual as a legal person guaranteed by Thai law.

In contrast, for stateless people, the birth registration is very difficult to use as a reference document for Thai citizenship. In theory, the 13-digit ID Code is for preparation in applying for Thai citizenship. However, in reality, there are three different types of birth registration. The first is the document for children born to a Thai citizen (see Appendix 6). The second is for children born to alien parents who obtain temporary residency in the kingdom (see Appendix 7). The third document is for children born to parents without legal status in civil registration (see Appendix 8) (Office of Civil Registration 2009). The reason behind this is because the government aims to limit Thai nationality exclusively to the individuals who are born to at least one Thai parent.

A stateless person is recorded in the Thai civil registration as an alien indicated by the Thai authority or registrar. The problem happens here when the law allows the record of 'the status of stateless person'. These persons who may have entered the kingdom legally or illegally, are allowed to stay temporarily in Thailand. On the other hand, those who have temporary residency are possibly born in the country, but are considered by nationality law as illegal migrants too (NGO representative, in-depth interview, Mae Sot, 7 September 2014).

My biological mother is from Karen state and I do not have a father. When I was born, I was left with my adoptive Thai mother who was a good friend of my biological mother. Now I have only my birth registration, which indicates clearly that I have 'no nationality.' A lawyer said that I am a stateless person. I have to apply for permanent residence in Thailand first and later apply for Thai citizenship, which is very difficult and expensive (a stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

As mentioned before, a different 13-digit ID code indicates different status. The important number relating to a stateless person or non-Thai migrant is the first digit code that indicates the type of citizenship. A non-Thai citizen person whose 13-digit ID code begins

with number '6' or '7' is considered an ethnic minority or the child of an ethnic minority respectively. According to the Thai government, a person who holds an ID Code beginning with '000', '00' and '0' is considered a stateless person. Such a person may be a child born to refugees in temporary shelter areas along the Thailand–Myanmar border, an illegal migrant, or a person with no legal status, respectively (Government official, in-depth interview, Mae Sot, Tak province, 20 September 2014).

When I first arrived in Thailand. I did not know who I was. I was categorised as an alien migrant worker from Myanmar. I first got number '00' on my ID because whoever enters the country is accused of being an alien migrant worker. I have to work just like an alien migrant worker. When I was a freshman in university, I was helped to change my number from '00' to '0' as a person without legal status in civil registration. As for other stateless children and youth nationwide, it is like an ID Card. The number '0' indicates my status. (Stateless youth, FGD, Chiang Mai province, 14 November 2014).

5.4.4. 'There is No Refugee in Thailand'

The process of registering 'a person without legal status' in different categories indicated by the 13-digit ID code can be understood as the invention of the Thai state to create the partial legal status of a non-Thai citizen (Pongsawat 2007, p.170). This process allows the Thai state to manage the situation according to its own domestic law. In terms of refugees from neighbouring countries, the Thai government refuses to ratify the *1951 Convention relating to the Status of Refugees*, together with the *1967 Protocol Relating to the Status of Refugees* (UNHCR 2011). In addition, Thailand does not have administrative mechanisms concerning asylum and refugee affairs 'and the refugee status determination procedures in place are extremely weak' (Baek and Subramaniam 2008, p.1). All refugee camps along the Thailand–Myanmar border are under the direct administration of the Thai government agencies, such as the National Security Council (NSC) and the Ministry of the Interior (MOI).

In addition, the Thai government has never developed domestic policies on granting refugee status or providing permanent residency for displaced people (Amarapibal, Beesey and Germershausen 2003). Therefore, displaced persons from Myanmar to Thailand are not recognised as refugees at all.

[T]he 1951 Convention endorses a single definition of the term 'refugee' in Article 1. The emphasis of this definition is on the protection of persons from political or other forms of persecution. A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race,

religion, nationality, membership of a particular social group, or political opinion (UNHCR 1951, p. 5).

From Thailand's national security perspective, refugees from a neighbouring country are considered illegal immigrants. In fact, displaced persons are defined by a specific name according to the Thai domestic law. Burmese who came to Thailand before 1976 are referred to as 'Burmese displaced person' but those who came to Thailand after 1976 and later are referred to as 'displaced person fleeing fighting' (Wangsiriphaisan et al. 2010). These terms do not comply with any international law and exclude large numbers of Myanmar refugees from domestic and international protection. According to Thai law, those villagers who fled from forced labour practices and forced relocation in Myanmar during the military dictatorship provided invalid reasons to obtain refugee status. This narrow interpretation by the Thai government deemed the vast majority of Myanmar displaced people who have not been designated as refugees, as 'illegal migrants', regardless of the person's reason for entering Thai territory (Pyne 2007, p.85). Due to Thai government policy, however, these people do not have official refugee status.

...Despite disputes about including migrants as unrecognized refugees, one important link undergirds the migrants and refugees in Thailand. In crossing a border without permission they are stateless people; they 'no longer enjoy the privileges and responsibilities associated with the state (Waters and Leblanc, 2005, p. 130, cited in Pyne 2007, p.85).

Living in temporary shelter areas along the Thailand–Myanmar border, people are limited in their basic rights, chance of a normal life, and achieving the status of citizenship. They have fled human rights abuses, but remain unrecognised as refugees or asylum seekers (World Refugee Survey 2004).

Displaced persons fleeing fighting from neighbouring countries, particularly Myanmar, have lived in confined camps along the Thailand–Myanmar border where the Thai government defines the areas as 'temporary shelters'. The temporary shelters are unique and special areas. Displaced people fleeing the conflict zone in Myanmar are granted the temporary right to stay, but not permanent residence (Fink 2015). These persons have no official means of earning income or gaining employment. During their stay in the camps, permanent structures cannot be built, the environmental impact must be minimised, and they are not allowed to leave the camps (Brees 2008).

Figure 5.4: Wooden houses built in Mae La refugee camp



Source: Photo by Ladawan Khaikham, 27 September 2014

Figure 5.5: Wooden buildings in Mae La refugee camp



Source: Photo by Ladawan Khaikham, 27 September 2014

In reality, most refugees have to survive as migrant workers (Fink 2015). Some displaced persons are allowed to work outside the camps on a temporary basis during the day in certain provinces. Some are not allowed to work at all, except doing simple jobs within the camps. Because of the labour shortage in Thai industries, especially since 1998, illegal migrants are welcome to work at dirty, dangerous and difficult (3D) jobs which Thais avoid (Baek and Subramaniam 2008). This is one of the pull factors that encourages many refugees to go to nearby border towns or Bangkok to seek a job (NGO representative, in-depth interview, Mae Sot, Tak province, 7 September 2014).

Many refugee children along the Thailand–Myanmar border have a problem under Thai law. Children born to stateless parents inside Thailand face the possibility of also being stateless persons. As the parents are stateless people who have migrated to Thailand owing to the ethnic conflict in Myanmar, they do not have any connection with Thailand and are not granted right of residence in the kingdom. According to the immigration law, if the parents enter Thailand illegally, their children are stateless aliens the same as their parents (Saisoonthorn 2003). However, Thai law has accepted the third generation of these migrants born in Thailand by granting the right to Thai nationality to a child born in Thailand before 26 February 1992, because the government believes that these children have been assimilated into Thai society (Saisoonthorn 2003). In contrast, children born after the cut-off date no longer have this right. Their ability to obtain Thai nationality depends on a series of cabinet resolutions as a result of current government policy.

The Thai government had never issued a birth certificate for anyone born in any refugee camp before 2010. According to an in-depth interview, none of the stateless young adults aged more than 18 years who were born in the refugee camp has obtained a birth certificate (a mother of a stateless youth, in-depth interview, Mae Sot, Tak province, 17 September 2014).

I know someone who has resettled in a third country. He was born in Thailand 29 years ago in a refugee camp. Back then they did not give him a birth certificate. He wanted to ask for one by contacting the Royal Thai Embassy there. They said that the Thai government never issued birth certificates for people born in the refugee camps (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

I was born in the 1980's in a Thai refugee camp. No birth certificate was provided to me or my parents. A birth certificate was not issued to refugees. It caused me a problem when I wanted to apply for a visa. The best solution was that I had to ask the United Nations to write me a letter to confirm my

birth details (a mother of a stateless youth, in-depth interview, Mae Sot, Tak province, 10 September 2014).

Figure 5.6: Children in Mae La refugee camp



Source: Photo by Ladawan Khaikham, 27 September 2014

Thailand is a signatory to the UN *Convention on the Rights of the Child* (1989), and the *International Convention on Civil and Political Rights* (ICCPR) that allow all children born in Thailand to acquire birth registration. In practice, Thailand has a reservation on the *Convention on the Rights of the Child* (1989), Articles 7, 22 and 29 by stating that ‘[T]he application of Articles 7, 22 and 29 of the *Convention on the Rights of the Child* 1989 shall be subject to the national laws, regulations and prevailing practices in Thailand’ (UNHCR 1994). In 1993, Thailand removed its reservation on Article 29 about children’s education, but maintains its reservation on Article 7⁴³ about registration, name,

⁴³ Article 7:

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless (*Convention on the Rights of the Child* 1989, p.3).

nationality, care and Article 22⁴⁴ about refugee children to allow Thailand to ‘deal with child refugees according to its own policies and domestic laws’ (Collins 2015, p.82).

As of August 2008, the revision of *Civil Registration Act (No.2), B.E. 2551* (2008) allowed all children born in Thai territory to be entitled to birth registration regardless of their parents’ status. Consequently, the withdrawal of Thailand’s reservation to Article 7 was proposed by the Thai Ministry of Social Development and Human Security and approved by the cabinet on 21 September 2010 ‘based on the assessment that relevant laws and policies have already been put in place to fulfil the country’s obligations under Article 7 of the CRC’ (Ministry of Foreign Affairs 2011). Thailand’s domestic law includes *Nationality Act B.E. 2551* (2008), *Civil Registration Act (No.2) B.E. 2551* (2008), *National Strategy to Address the Problem of Legal Status and Rights of Individuals B.E. 2548* (2005) and *Nationality Verification for Migrant Workers* (Ministry of Foreign Affairs 2011).

However, the official implementation of birth registration and issuing birth certificates was not active until 2010 (Tan 2012). Due to the special characteristics of temporary shelters which are under the co-responsibility of the Thai government and the UNHCR, the birth registration is provided by a camp commander or district registration staff, appointed by the Ministry of Interior. Parents of a child need to provide their identification including UNHCR ID and the child’s birth certificate. After inspecting documents and examining witnesses, the official child’s names are added to the civil registration record specified at the temporary shelter area by the camp commander. Finally, the birth

⁴⁴ Article 22:

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention (*Convention on the Rights of the Child* 1989, p.6).

registration document and 13-digit ID code are provided to the child's parents. The ID code is specified in this format (Seesook 2011).

0 – XXXX - 75XXX – XX - X

The 13-digit ID code begins with number '0' as the child is a stateless person who has no legal status in civil registration. Number 75 in the group section indicates that the child is born to displaced parents who have fled fighting and live in a temporary shelter area (Seesook 2011). The code beginning with number '0' is commonly referred to as the '10-year ID card' issued to illegal migrants nationwide since 2005. This is active under the cabinet resolution passed in 2005 which outlined the *Strategy on Legal Status and Rights for Undocumented Persons*. It aimed to solve the problem of undocumented persons by ensuring that 'everyone residing in Thailand has the proper identification documents' (UNESCO 2008, p.97).

In 2000, the Thai government granted the right of temporary residence to stateless Myanmar refugees in Thailand. However, children of these parents still lack citizenship. In 2008, the Thai government started to register the illegal migrants in order to reduce the number of stateless people in Thailand. It provided an ID card for them to use as an identification document, which expires 10 years after issue. The card holders are allowed to stay temporarily in the kingdom whilst they are waiting for the government to assign new legal status or deport them. It does not refer to Thai citizenship at all.

By 2011, approximately 1,600 new-born babies were registered in nine refugee camps along the border. According to the UNHCR 2012 report, approximately 5,000 babies have received birth certificates whilst many children are waiting to register. This process is expected to register 'children born to [Myanmar] refugees between 2008 and September 2010 and then further back to 1984 when the first major waves of refugees [came] into Thailand' (IRIN News 2011b). In total, it has to deal with more than 25 years of birth registrations which can be a slow process in registering migrants. Although some refugee parents ignore the importance of a birth certificate, this is 'an important step to prevent statelessness among a new generation of refugees' (Tan 2012, p.1).

Even though the birth certificate and 13-digit ID Code are provided to individuals by the Thai government, in practice it is the first step in being able to apply for Thai citizenship.

However, in reality, these children are not guaranteed an ID card, or their ID card status is specified as a person without legal status which does not enable them to become Thai citizens.

Figure 5.7: Non-Thai citizen ID card ('a person without legal status')



Source: Photo by Ladawan Khaikham, 12 November 2016

As Laungaramsri (2014) argues, the process of categorisation implemented by the Thai state is known among non-Thai migrants to lack consistency and is confusing. The system was poorly designed, and the number of stateless categories is overlapping and unclear. Some family members are divided into different groups. For example, a father is considered a hill tribe person who has an ID card beginning with number '6'. A mother, on the other hand, may be classed as an undocumented 'refugee'. Their first child holds an ID card beginning with the number '7' as a person without legal status, whilst their second child is considered an illegal migrant with number '0' (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014). Consequently, the process of categorisation in fact marginalises the stateless people as it limits their access to citizenship rights.

As mentioned above, the Thai government has legalised the non-legal status of individuals, making them subject to Thai domestic law, although they are not yet proven to be Thai citizens. Some are proven to be aliens, but are unable to return home. Their lives are not stable due to the regular changes in Thailand's domestic law. For instance, in 2013, the Ministry of Interior proposed a draft ministerial regulation concerning stateless children who are born and live in the Kingdom of Thailand (Asian Human Rights Commission 2013). If the regulation were implemented, all children and adults born to

non-Thai parents in Thailand would be deemed to have entered and resided in Thailand without permission under the *Immigration Act B.E.2522* (1979).

After Thailand's coup in May 2014, the military government focused heavily on illegal migrants because it claimed the 'undocumented workforce is prone to exploitation and is also a source of crime' (Chaichalearmmongkol and Chomchuen 2014, p.1). They are considered as a threat to national security. The large number of illegal migrant workers from Myanmar, Laos and Cambodia who work in the fishing industry is considered an urgent problem that must be solved immediately. In 2014, Thailand's junta government cracked down on undocumented workers and encouraged them to be registered within one year. Undocumented migrant workers were subject to being arrested and deported (Hodal 2014). As a result, about twenty thousand migrant workers from Cambodia fled Thailand to their home country upon rumours that the military was using force against illegal migrants (Chaichalearmmongkol and Chomchuen 2014). The Thailand–Cambodia border became chaotic as there was not enough infrastructure to deal with the numbers. A labour shortage in some sectors in Thailand is unavoidable, as some Thai business groups depend heavily on these migrant workers (Loughlin and Tapper 2014; Park 2015).

The 2014 coup also changed the situation in the refugee camps. The Thai military government aims to close the refugee camps permanently as soon as possible (NGO representative, in-depth interview, Mae Sot, 10 September 2014). Most refugees are reluctant to return home, because they are afraid of being relocated to a new industrial zone assigned by the Myanmar government. Voluntary repatriation of the first group of 68 Myanmar refugees from Nupo Camp in Tak province and Ratchaburi province on Thailand's Western border began on 25 October 2016 with the endorsement of the Thai and Myanmar governments (Lefevre 2016). The next group of about 100 refugees from the Nu Po camp in Tak province is expected to return to Myanmar in 2017 (Mon 2016). The Myanmar government is ready to receive the returnees, if they are issued certificates of identification as Myanmar citizens. Most returnees may travel back to their homes in various states, but the Myanmar government does not have an appropriate mechanism to relocate refugees who are unable to find their hometown. The government may place them in 'low-cost housing at Shwe Linn Ban industrial zone in Hlaing Tharyar township and pay [about K9.8 million (US\$7540)] for their accommodation at an unspecified date later on' (Mon 2016, p.1).

Although it is too early to assess the consequences, these people have the right to return home. On the other hand, there is a number of refugee residents who are born on the Thai side and have never left the country. They are unable to be identified as Myanmar citizens, nor do they not want to become Myanmar citizens. They prefer to stay in Thailand and acquire Thai citizenship (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014). The repatriation programme is not their choice for three reasons. Firstly, they cannot be categorised as returnees, because they have not crossed the border from the Myanmar side to the Thai side in the beginning. Secondly, it is difficult for them to prove that they are Myanmar citizens, as they may live outside the refugee camps and they are born and have lived in Thailand for a long time. In some cases, their parents lost their Myanmar identity document long ago, when they fled the conflict zone. Children and youth of ethnic minorities may not speak Myanmar language at all, which makes it very difficult for them to begin their lives in Myanmar (stateless youth, FGD, Chiang Mai province, 14 November 2014). Thirdly, stateless youth consider themselves as Thai, although the Thai government considers them as illegal migrants and tries to force them to leave the country involuntarily based on national security policies. They were born in, and choose to stay in Thailand (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

5.5. Conclusion

The concept of national security in the Thai context is controversial and changeable; however, it has played an important role in the Thai government's policies towards the non-Thai migrants including stateless youth who were born and live in Thailand. These people are considered as a threat to national security, so the Thai government employs several mechanisms to legalise the 'individual without legal status' through different categories. However, the categorisation is confusing, because it lacks a consistent underlying rationale. Consequently, the process of legalising non-Thai migrants cannot solve the problem of stateless people. At the same time, it marginalises stateless people as it limits their access to public services and citizenship rights, and makes their lives subject to Thai domestic law. The negotiation between the government and the stateless youth who choose to live in Thailand is presented in Chapter 6.

Chapter 6: A Life in Waiting: Negotiating Basic Rights Among Stateless Youth in Thailand

6.1. Introduction

This chapter discusses the negotiations for basic rights between stateless youth and the Thai government through four different aspects of life: education, health care service, law protection and mobility, as limited by Thai law. In order to access basic rights, these negotiations by the stateless youth involve both legal and illegal activities. Legal activities concern setting up community-based schools and relying on local private medical practitioners and clinics. Their final choice is to use a foreign ID card to live in Thailand. Illegal activities include ID scams, illegal personal substitution, and use of a fake ID card which paradoxically both protects and jeopardizes their lives. However, this chapter does not discuss economic and political rights because they are not yet a high priority for the stateless youth. Finally, this chapter points out that these stateless youth prefer to stay in Thailand and to apply for Thai citizenship, although the application process can take more than a decade.

6.2. A Life in Waiting: Negotiating Access to Basic Rights

Since the Thai coup in May 2014, the military government has paid strong attention to the migrant and stateless population living along the Thai border. Ethnic minority migrants, refugees along the Thailand–Myanmar border, transnational migrant workers and their stateless children attract close attention from the government. This is because the Thai government is strengthening its national security policy to ensure that potential threats from outsiders are minimised (Office of the National Security Council 2015).

In terms of the stateless situation in the country, the Thai government's official data identify 443,862 stateless people⁴⁵ who may seek Thai nationality (Batha 2015; Spindler 2016). During 2012–2015, over 18,770 stateless people (about 4.2 per cent) were granted Thai citizenship in line with the government's aim to end statelessness by 2024 (Bloom 2014; Batha 2015; Spindler 2016). They are the so-called 'hill tribe' people, ethnic minorities, the Indigenous population and some stateless students who are registered in

⁴⁵ The stateless population in Thailand is difficult to estimate accurately, because the Thai official database is limited, and depends on what kinds of statelessness are included.

Thai public schools (*Bangkok Post* 2016). The children of illegal migrants and refugees, particularly from Myanmar, who live along the Thailand–Myanmar border, are not yet included in the government’s plan.

Stateless people who have already entered and lived in the country for some time are required to register in order not to be arrested or deported. Once registered, stateless people⁴⁶ are recoded and recognised by the Thai government as ‘a person without legal status’. Although they are not granted Thai citizenship, the government provides them with semi-legal status which makes them subject to Thailand’s domestic law.

Their semi-legal status has great impact on stateless people’s lives in Thailand. Their rights are limited because their legal status is not yet confirmed. Data from focus group discussions among stateless young adults aged between 18 and 24 years show that they describe their lives as ‘a life in waiting’ (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014). They are waiting for the government’s confirmation of their legal status. However, despite their wait, it is not guaranteed that their status will be confirmed soon. Furthermore, the result may not be what they want.

Throughout several years of waiting, these young adults cannot do very much. During the process of verifying their legal status, they can ‘have access to basic human rights, although they are not yet considered a Thai national’ (Napaumporn 2014, p.139). However, the government does not provide enough facilities and public services for them. Some services are limited to registered stateless people only,⁴⁷ whilst the stateless status deprives stateless youth of the opportunity to access the full education and public facilities provided by the Thai state. On the other hand, stateless young adults have their own way of negotiating their basic rights through education, the health care system, law protection and freedom of movement, despite being limited by Thai law. Most of the participants in the in-depth interviews, who were born in Thailand and have lived in Thailand for more than 10 years, expressed their anger and irritation during the interview. They do not know

⁴⁶ According to the Thai government’s understanding of statelessness, stateless people and registered stateless people are in different categories. Stateless people are people who are not recognised by any state in the world, whilst registered stateless people are ones without citizenship. They are stateless, but have registered in Thailand’s civil registration system.

⁴⁷ Refugee children are not allowed to attend public schools outside the refugee camp, although the *Education for All* programme has been implemented nationwide since 2005. The government recognised the right to guaranteed health for registered stateless people, but not for all stateless people (Napaumporn 2014, p.147).

when these difficulties will end (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

Now, I still do not have Thai citizenship. Sometimes I feel hurt too. I want to do many things that I cannot do. I want to study abroad. ...I have applied for Thai citizenship since I was in elementary school. Now I am almost 21 years old. I still do not get a result (stateless youth, FGD, Chiang Mai province, 10 November 2014).

6.3. Negotiating Access to Education Rights

Education is the central focus for stateless youth. It is a basic human right and an important tool to help children and youth improve their livelihoods. However, educational opportunities for stateless young adults in Thailand have been restricted. Before 2005 most stateless children in Thailand were not able to access education (NGO representative, in-depth interview, Chiang Mai province, 6 November 2014).

According to the focus group discussions (2014), 19 stateless youth participants have participated in one of the three educational options available to them since 2005. Firstly, in Mae La refugee camp, five stateless young adult participants have been able to access the education provided by INGOs and refugee communities. Secondly, six stateless young adults have been able to attend community-based Migrant Learning Centres (MLCs) established along the Thailand–Myanmar border. Thirdly, eight young adult participants have attended non-formal education schools or a public school under Thailand's Ministry of Education. Of these, two stateless young adult participants have furthered their education to university level (stateless youth, FGD, Chiang Mai province and Mae Sot, Tak province, 2014).

6.3.1. Migrant Learning Centres (MLCs)

Before 2005, children of undocumented migrants and stateless children were prohibited from accessing the public education provided by the Thai government. To negotiate their right to education, poor parents, whose legal status is uncertain, sometimes voluntarily give their stateless children to Thai citizens to be adopted. As adopted children of a Thai citizen, they are entitled to Thai citizenship and able to attend the school system in Thailand. This common practice is concentrated along the Thai border (Laungaramsri 2014, p.160).

Stateless students have to pay their own tuition fee to be able to access the educational system in Thailand. One stateless youth said:

I was left stateless because I was born into a Karen family while my parents were waiting for their status as Thai citizens. I remember my parents have to pay for my education because my status as a Thai citizen was not confirmed. When I grew up, I had to work after school to support my family (stateless youth, FGD, Chiang Mai province, 10 November 2014).

Thailand hosted the World Conference on Education for All in 1990 and ratified the 1989 *Convention on the Rights of the Child* (CRC) in 1992. *Constitution of the Kingdom of Thailand B.E. 2534* (1991), Section 40 states that

Every person shall have equal rights to receive primary education according to the law on compulsory education.

Every person shall enjoy liberty of education; provided that such education is not contrary to his civic duties under the Constitution, and to the law relating to compulsory education and the law relating to the organization of educational establishments (*Constitution of the Kingdom of Thailand B.E. 2534* (1991)).

However, ‘every person’ refers only to those who have identity documents issued by the Thai government. At that time, the majority of stateless children of undocumented migrant workers had to stay at home, work in the labour market, or attend classes at learning centres organised by non-government organisations (Arphattananon 2012).

Migrants and stateless children can access education via community-based centres operated by non-governmental organisations (NGOs), the so-called Migrant Learning Centres (MLCs) which have been established in many provinces along the Thailand–Myanmar border. Approximately 150 Migrant Learning Centres (MLCs) have provided learning opportunities for young children, while their parents are out working (Myanmar Education Integration Initiative 2013; Education Committee 2014; Nawarat 2012, 2014a). Most stateless young adults prefer to go to MLCs rather than to public schools, mainly because they can socialise with their peers. They feel comfortable in the centres as most classes are conducted in their native language. Although most centres follow the Myanmar national curriculum and teach in the Myanmar language, English and Thai languages are also taught (Win 2014; Worland 2014). Teachers and parents believe that MLCs can help the young people to maintain their native language, even though they are not living in Myanmar. MLCs can prepare these children in case their parents return to

Myanmar (parents of a stateless youth, in-depth interview, Mae Sot, Tak province, 12 September 2014).

For the Thai government, MLCs are considered temporary and semi-official institutions to address the educational gap for migrants, stateless children and youth. After the education reform in 2005, the Thai Ministry of Education became involved in the contents of the curriculum taught at MLCs through the Primary Education Service Area (PESA). The Thai government's main concern was to ensure that the MLCs taught Thai language and the Thai curriculum for nationalistic reasons. On the other hand, the Thai government is unwilling to provide effective teaching staff and material to non-Thai speaking schools (Nawarat 2014a, p.875). As a result, MLCs face problems in the shortage of teaching resources and the weak curriculum resulting in a high failure rate of students who transfer from MLCs to Thai state schools (Nawarat 2014b, p.877).

6.3.2. Education in the Refugee Camp

Due to Thai migration laws, displaced people are considered to have special legal status and are allowed to stay only within the confined shelter areas. They need short-term travel approval to leave the camp at a specific time. The Thai government does not allow children living in refugee camps to enrol in Thai public schools, as the Thai government maintains its 'de facto policy of no-access to Thai public schooling' (Oh 2010, p. 4).

To negotiate their right to education, the refugee children can access some forms of non-formal education within the limited support for refugee services (Ball and Moselle 2015). Refugee parents and adults are very proactive in setting up schools when they are allowed to.⁴⁸ However, education in the refugee camp is controlled by the Thai policies on education based in the National Security Council (NSC), the Ministry of Interior (MOI) and the Ministry of Education (MOE) (Oh 2010b). In principle, permanent school buildings cannot be constructed. Semi-permanent buildings using iron poles and small wooden poles can be used, but concrete is not allowed. According to Oh (2010), there are more than 70 schools in the seven Karen refugee camps and 11 schools in two Karenni refugee camps along the Thailand–Myanmar border. In 2010, there were more than 34,000 students in the refugee schools (Oh 2010a).

⁴⁸ The Thai government allowed refugees to set up schools in 1984 when it became obvious that the return to Myanmar of Karen refugees would be unlikely in the near future (Oh, 2014).

Mae La refugee camp is well known as a centre of education for refugee children and youth. It offers a wide range of educational opportunities which have been established and run by refugee communities, with support from outside and private contributors. Mae La's current population includes refugee residents and temporary residents numbering a few thousand students who come from other refugee camps to study, along with students from inside Myanmar (stateless youth, FGD, Mae sot, Tak province, 20 September 2014). In 2014, more than 2,700 students lived in boarding schools whilst many other students stayed with their relatives in Mae La refugee camp (Burma Link 2017). However, funding for education is a long term future project, which is difficult to guarantee. With a minimal income, refugee communities contribute bamboo leaves, poles and labour for school maintenance. Knowledgeable parents may take part in teaching at a college such as at the Leadership and Management Training College (LMTC) (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014).

Figure 6.1 : Primary school in Mae La refugee camp



Source: Photo by Ladawan Khaikham, 12 September 2014

Figure 6.2: Leadership and Management Training College (LMTTC) in Mae La refugee camp



Source: Photo by Ladawan Khaikham, 12 September 2014

Importantly, about 38 per cent of the refugees in Mae La refugee camp remain unregistered with the UNHCR; they are unable to apply for most university scholarships abroad (The Border Consortium (TBC) 2014). Moreover, the education in Mae La refugee camp remains unrecognised by the Thai and Myanmar governments. Therefore, it is very difficult for stateless teenagers to further their higher education outside the camps (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014). Although a few refugee teenagers have successfully managed to get international scholarships to study abroad, this opportunity is very difficult and limited. Once the stateless youth is accepted by the scholarship agency, he/she has to negotiate a difficult and complicated process to leave the camp. Eventually, they often encounter restrictions on their movements. Consequently, after the education in the camp, their choices are limited. Most can work only with ethnic nationality armies, international organisations, or simple jobs in the camps (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014).

6.3.3. Thailand's *Education for All* Programme

As mentioned above, until 2005 children of undocumented migrants and stateless children were unable to participate in the public education provided by the Thai government. Although the *Constitution of the Kingdom of Thailand B.E. 2540* (1997) was the first Thai constitution that guarantees at least 12 years⁴⁹ of free, quality, basic education, provided by the state countrywide, the public education is for Thai citizens only.

Section 43. A person shall enjoy an equal right to receive the fundamental education for the duration of not less than twelve years which shall be provided by the State thoroughly, up to [high] quality, and without charge.

In providing education by the State, regard shall be had to participation of local government organisations and the private sector as provided by law.

The provision of education by professional organisations and the private sector under the supervision of the State shall be protected as provided by law (*Constitution of the Kingdom of Thailand B.E. 2540* 1997, p.7).


In 2005, the Thai *Education for All* programme was implemented. The programme allowed all children, regardless of their legal status, to access free public education (Office of the Education Council 2008). However, this programme was initiated in accordance with Thai national security policy. From the national security perspective, stateless people along the borders are considered a threat to the nation (Office of the National Security Council 2015). Education is a logical resource to address problems that may come from the stateless population such as crime, drug addiction and prostitution. Promoting education for stateless children enables the government to monitor their behaviour and evaluate the stateless situation under the government's education system.

Children grow older every day. They are not returned to Myanmar as long as their parents are here, or they never plan to go to Myanmar. Without education, these children and young adults risk being child labourers, drug addicts and prostitutes as is happening to other young adults on the border (NGO representative, in-depth interview, Chiang Mai province, 11 November 2014)

This was the first time that stateless children and young adults were able to access public state education in Thailand, although they were undocumented (Office of the Education Council 2008; Ministry of Education 2010).

⁴⁹ This free education was extended to 15 years from kindergarten to high school grade 12 by the Abhisit Vejjajiva government in 2010 (Arthornprachachit 2013).

Table 6.1: The Thai education system

Student's Age (years old)	Grade	Level of Education	Free Education ⁵⁰	Vocational Education
3		Pre-elementary	 Government's subsidised free education	
4				
5				
6	1	Primary		
7	2			
8	3			
9	4			
10	5			
11	6			
12	7	Lower-secondary		
13	8			
14	9			
15	10	Upper-secondary		Lower vocational and technical
16	11			
17	12			
18		Undergraduate		Tertiary vocational
19				
20				
21				

Source: Adapted from the *National Education Act B.E. 2542* (1999); Organisation for Economic Co-operation and Development (OECD) (2013)

⁵⁰ The Thai basic education is a 6-3-3 system with 4 years at the tertiary level. The first 9 years of basic education are compulsory. The government subsidises 15 years of free education including pre-elementary level education.

In terms of the right to study, since 5 July, 2005, the *Education for All* policy allows all people, stateless or with no legal status to attend school. Schools cannot reject students. But the funding for each student is provided only for the basic education. When children are accepted in school, the government pays for them. Stateless children are treated the same as children of Thai citizens. But they have to pay for the higher education (government officer, Ministry of Interior, Bangkok, 2016).

School admission policy is very flexible with regard to supporting documents (Johnson et al. 2015). Each school is responsible for admitting all children, including children without identification documents. For instance, when a birth registration document is unavailable, parents can provide an illegal migrants ID or UNHCR ID as supporting documents. In some cases, children can certify themselves in order to be admitted to school. In return, the schools receive funding from the government based on each student's acceptance. Additionally, all students are entitled to receive a certificate of education upon completion of their studies. Importantly, undocumented students can receive travel approval to move to find a suitable school in the country (Office of the Education Council 2008).

In reality, acceptance is made on a case by case basis. The flexibility in admission is different depending on the practice of each local education area. Some 'schools still often refuse to admit migrant children' (Nawarat 2014a, p.4). Thai standard education focuses on the national history and culture of Thailand by using Thai as the main language. English is taught as a second language. Stateless youth who have attended Thai schools since they were very young can successfully complete their education. Few can pursue higher education to a university degree (stateless youth, FGD, Chiang Mai province, 10 November 2014).

Although Thai formal education is free, most migrant parents are reluctant to send their undocumented child to a formal Thai school, because large numbers of parents do not have information about free education. Being stateless, stateless parents lack confidence to enrol their children in Thai schools. Moreover, the rate of student drop-out is high. According to an in-depth interview with the parents of a stateless young adult in Chiang Mai province (parent of a stateless youth, FGD, Chiang Mai province, 10 November 2014), the main reason for school drop-outs is that poor stateless parents are unable to find enough income to cover other education related costs such as the transportation

fee⁵¹ and educational materials such as the school uniform, books and stationery. Moreover, the 15 years of free basic education is not totally free. Some schools transform their tuition fees to other school fees such as parent-teacher association charges, school staff fees, school maintenance charges and payments for hiring foreign teachers (Liamcharasakul 2012). This cost puts a significant burden on poor families. Consequently, parents prefer their stateless young adult children to stay out of school to avoid the costs and to work in order to earn more money.

The language barrier and discrimination are also significant problems that prevent stateless children attending a formal Thai school. Since classrooms are conducted in Thai as the medium of instruction to teach Thai national history and culture, most children from Myanmar families have difficulties as they are unable to understand, read or write Thai (Ball and Moselle 2015). For focus group participants who attended a Thai school when they were young, the language barrier is no longer a problem, but discrimination continues. As a stateless youth participant said,

...my Thai friends at school make fun of me because I am not Thai. I don't have a Thai ID card. I am annoyed and feel insulted, but I cannot do anything about it because it is true... (stateless youth, FGD, Chiang Mai province, 10 November 2014).

Likewise, some parents fear ethnic discrimination emanating from Thai citizens. Most stateless young adults experience discrimination and bullying in Thai schools. This is because some Thai people look down on non-Thai migrants from neighbouring countries.

After graduation, stateless young adults have to face an uncertain future. Firstly, the lack of an identification document can be an obstacle for stateless people in obtaining school records and a school certificate verifying their educational achievement (Ball and Moselle 2015). In order to solve this problem, some stateless young adults contact their parents' country of origin for an identification document such as a passport as the easiest and quickest way to obtain their document of citizenship from their parents. They believe that at least it is better than being stateless (NGO representative, in-depth interview, Chiang Mai province, 6 November 2014).

⁵¹ In 2009, transportation costs averaged THB3,500 (US\$104) per year for a student who lived far away to attend school ('Structural Policy Challenges for Southeast Asian Countries' 2013).

When a stateless person has any proof of their identity, the passport for instance, they can return to school to receive their school certificate. We have to deal with the school first, then the Primary Educational Service Area, the Ministry of Education. Now it depends on the government officials whether they are helpful. For some cases, the school is very unhelpful and ignorant. They keep referring us to the Educational Service Area. Fortunately, some officials there are very kind. Their suggestions and kindness help the stateless youth to receive the education certificate. This is case by case, and we have to be very persistent (stateless youth, FGD, Chiang Mai province, 14 November 2014).

Higher education, such as university level and tertiary vocational, is open for all students.

However, as non-Thai citizens, stateless youth have to struggle to find their own funding.

The problem for the stateless young adults when they attend undergraduate education is that they are unable to apply for education funding supported by the government, because the regulation states that it is provided to Thai citizens exclusively (Government official, in-depth interview, Chiang Mai province, 13 November 2014).

Therefore, as a result of these difficulties, there are few stateless youth who can further their education at the university level.

In addition, stateless youth are limited to finding a low paid job in their district regardless of their educational level. Although migrant labourers are essential for Thailand's national development, the government has a restricted list of 27 jobs that are available for non-Thai citizens to do (*Working of Alien Act B.E. 2551* 2008). Therefore, the number of jobs available is limited and unrelated to the field of their study. Tour guide jobs are unavailable for aliens, even though Shan stateless youth in Chang Mai province may spend a long time studying hard to become a tour guide (stateless youth, FGD, Chiang Mai province, 20 November 2014). As a result, after graduation, most stateless youth can work only in low paid jobs, or simple jobs which are not related to their education (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

I had a difficulty. My school registered me as a 'person without legal status' card. My graduation from tertiary vocational means nothing. It is very hard for me to find a job. The problem is that my ID card begins with number '0'. I feel so hurt. I tried very hard to study, but there is no job for me. They said I was not Thai. I want to prove that I am not a rootless person, but I don't know how to do this (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

After several years of negotiation, the careers restriction was cancelled in November 2016 as a new regulation was passed to 'allow stateless people to enter formal employment in

professions not reserved for Thais' (*Bangkok Post* 2016). The government allows long-term migrants, such as hill tribes, displaced Thai and Indigenous people who have lived in Thailand for a long time and their children who were born and live in Thailand to work freely according to their profession (Srimode 2016). However, according to the *Working of Aliens ACT B.E. 2551 (2008)*, short-term migrants who are citizens of Cambodia, Laos and Myanmar are restricted to work only in 27 labouring jobs (*Post Today* 2016).

6.4. Negotiating the Right to Guaranteed Health

Health care service is not a central concern of stateless young adult participants, although the stateless status has a significant impact on their health. On the other hand, stateless young adult participants focus on maintaining the health of their parents.

The different types of identity cards are connected to different benefits. Health care services are provided to 'those with certain types of identity papers, but not to others' (Schearf 2011). The Thai government recognises the right to health only for stateless people who are registered in the household registration. According to a cabinet resolution dated 23 March 2010, the Thai government recognised the right to guaranteed health, but it does not cover all stateless people.

For public health, Thai citizens are eligible for the government's THB30 health policy, stated in the *National Health Security Act B.E. 2545*. Aliens such as registered ethnic minorities who are holding an ID card beginning with number '6', '7' and '0' (of ethnic minority) have the right to access public health according to cabinet resolutions in 2010 and 2015. They are treated the same as Thai citizens. Thai citizens get free public health care according to the National Health Security Act B.E. 2545, whilst registered ethnic minorities get free public health care according to the cabinet resolution (Government officer, the Ministry of Interior, Bangkok, 2016).

Ethnic minorities are allowed to access public health services because the government believes that they have already assimilated into Thai society⁵², and registered children in an educational institution of Thailand can access the health care service provided by the

⁵² The Thai government believes that registered stateless people have lived in Thailand for a very long time. They have assimilated to Thai society, and have made many social contributions to Thailand such as paying tax. 'Therefore, they should not be discriminated against and denied the right to health' (Napaumporn 2014, p.147).

Thai government, whilst those with number '0'⁵³ are not eligible for the government's health insurance (Napaumporn 2014).

6.4.1. INGO-based Clinics in Refugee Camps

On the other hand, the Thai government pays no attention to health care services in the camps. Refugees living inside the temporary shelter areas cannot access hospitals outside the camp, because they must get travel approval documents from the Thai authorities, if they wish to visit the hospital. Only refugee patients, who need emergency medical attention, are allowed to leave the camps (Werret 2014, p.12).

Before INGOs were allowed to work in the camps, refugees did not receive adequate health care services. Without citizenship documents, stateless children were unable to receive the free vaccines provided by the government at public health centres. Some children suffered from malaria and were undernourished because they did not have enough food. Refugees depended for food such as rice and clean drinking water on INGO assistance and the few agricultural crops produced in the camps. They lacked access to a variety of foods and the inadequate health care service resulted in malnourished children among the refugee population (a parent of stateless youth, in-depth interview, Mae Sot, Tak province, 12 September 2014).

Establishing a health centre requires medical knowledge. To be able to access the health care service, refugees have to rely on international organisations such as UNHCR and the International Rescue Committee (IRC). They play an important role in providing medical care for refugees, undocumented migrants and their stateless offspring. For example, the IRC provides approximately 23,000 residents of Ban Kwai and Ban Mae Surin camps in Mae Hong Son province and around 8,000 refugees in the Tham Hin camp in Ratchaburi province with health care, water and sanitation services. INGO-based clinics, established in the camp, offer reproductive health service, child health care and basic health care. Refugees receive additional training as health workers. With all the INGO assistance, the health status of refugees from Myanmar in the camps has improved (INGO representative, in-depth interview, Mae Sot, Tak province, 7 September 2014).

⁵³ These people include children without legal status and transnational migrant workers from neighbouring countries such as Myanmar, Laos and Cambodia.

Figure 6.3: UN hospital in Mae La refugee camp



Source: Photo by Ladawan Khaikham, 12 September 2014

6.4.2. Community-based Clinics outside the Camps

Stateless people and their offspring, who have ID cards beginning with number ‘0’, are not covered by the government’s health insurance, because the government has no health insurance policies for stateless people and does not facilitate stateless children accessing health insurance. Stateless youth who attend non-government schools are excluded from the civil survey. Since they are not registered in the household registration list, they are not eligible for health insurance and cannot receive the treatment provided by public hospitals or health care centres. In addition, most health centres are located in the city, whilst most stateless people live in rural areas. This makes some local stateless people unable to access the medical services.

Stateless people are left to take care of themselves. The government allows stateless people, including transnational migrant workers from neighbouring countries such as Myanmar, Laos and Cambodia, to buy their own health insurance. However, they are unable to afford the cost. Since they work in low paid jobs, health insurance is not a high priority.

On the other hand, stateless people are not very proactive in accessing health care insurance. Most young adult participants pay little attention to the health care service for themselves, but focus on their parents' health (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014). Some stateless communities also do not understand the importance of the vaccine service for infants and the appropriate medical treatment for mother and child after birth. In addition, the limitation in language skills contributes to their difficulty in accessing public hospitals.

To be able to access health care services whilst avoiding contact with Thai government authorities, most stateless people in Mae Sot district prefer the nearby pharmacy, the private medical practitioner and local clinics over the public hospital for basic treatment.

My parents do not go to the hospital. I was born at our house in the village with a local midwife. My parents took me to a clinic when I was sick. Our health problems are not serious so the nearby pharmacy is enough. We do not need to go to the hospital (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014)

The migrant population also has a few of its own health centres for basic health services. Mae Tao Clinic is a good example of a migrant community-based clinic in Mae Sot, Tak province. It plays a very important role in providing health care facilities and activities. As it is run by a forcibly displaced person from Myanmar, Dr Cynthia Maung, Mae Tao Clinic has gained more trust among legal and illegal migrants, including refugees and the stateless population. Every day 400–500 people come to the clinic to receive comprehensive health care services and child protection services. In total, over 150,000 displaced persons per year are treated at Mae Tao Clinic (NGO representative, in-depth interview, Mae Sot, Tak province, 16 September 2014).

6.5. Negotiating the Right to be Protected

Legally, all Thai people are protected under Thailand's constitution. It is confirmed in Chapter 1, Section 4, that '[h]uman dignity, rights, liberties and equality of the people shall be protected. The Thai people shall enjoy equal protection under the Constitution' (*Constitution of the Kingdom of Thailand B.E. 2560 2017*, p. 4). In terms of protection, this applies only to Thai citizens. Moreover, all children aged below 18 years in Thailand are protected by the *Child Protection Act B.E. 2546 (2003)* which guarantees the rights of children. The Thai government is very active in legalising protection for children, but

since the laws apply only to Thai citizens, the non-Thai population, including stateless children residing in the country, are not protected by any law.

Migrant and refugee children and youth in Thailand are left without legal protection from physical and sexual abuse, neglect, hazardous labour and trafficking. They are the most vulnerable groups. Undocumented people, who are considered a subject of the Thai state, may have experiences of harassment and being asked to pay bribes. Some focus group participants have been frequently asked by police to check their ID card in the main street of Mae Sot border town. They have been randomly checked by police officials and forced to show their evidence of being Thai. As they do not have Thai ID cards, they are asked to pay an amount of money as a bribe in exchange for not being arrested. As a result, they avoid contacting the Thai authorities, such as police and other officials, because they are afraid of being treated unfairly, arrested and deported.

It is very hard for me to just travel on the main road of Mae Sot town. It is a town where I have lived my whole life. One day I rode my motorbike on Intarakhiri Road just like normal. I was stopped by the police, who asked me to show my Thai ID card. I gave him my ID. After seeing my ID, he said I was not Thai and he would arrest me. I was afraid of being arrested, and he knew it, so he asked me to pay THB200 [US\$5.94], then he would release me. After I paid, I rode my motorbike as far as possible. Since then, I promise myself not to use this main road. We know this practice among my friends too (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

Although some stateless people are born in Thailand, speak Thai as their native language and are educated in the Thai education system, they are not yet considered as Thais; when they are unable to show their Thai national ID card to the state authorities, or their ID card indicates their non-Thai status, they have to pay bribes or they will be put in jail.

6.5.1. Fake ID to Protect and to Jeopardize Their Lives

Public schools in Thailand are under the government's Ministry of Education. In this sense public schools not only provide learning opportunities, but also protect their members. Studying in public schools, stateless youth are provided with a student ID card that can be used for freedom of movement for an educational purpose, such as academic training and internship outside their district. As one informant said,

... now I am in grade 9 [in the Thai education system]. I have only a student card. Although it means nothing, I can use this student card to travel around my district freely, but not outside the district (stateless youth, FGD, Chiang Mai province, 14 November 2014).

Moreover, the school ID card is important as it is used to protect stateless youth from being arrested by Thai authorities. A stateless student in Chiang Mai province said that she felt more confident, if the police ask to check her ID card as long as she has the school ID card with her. The student ID card indicates the student ID number which does not identify the class of citizenship to which she belongs. Therefore, the school ID card protects her from being arrested, because she is studying in the government educational institution (stateless youth, FGD, Chiang Mai province, 14 November 2014).

As mentioned above, anyone in Thailand without an ID card is seen as an illegal migrant who can be arrested and deported by the Thai authorities. This regulation forces individuals to acquire an ID card, even an illegal one. To access the right to be protected, illegal migrants, including stateless people, sometimes decide to use fake ID cards or purchase Thai ID cards. Information from the focus group discussion participants has shown that although using a fake ID or buying a Thai ID card to obtain Thai citizenship is illegal, this is the real practice for those who can afford the price. I confirm here that none of the participants in this study practises these illegal activities.

I know someone in the [refugee] camp who has a Thai ID card because they buy it. I can find a broker here if you want, but I will not do it. It is illegal and very expensive. I do not think I can find THB50,000–60,000 [US\$1,485–1,783] just to pay for the card (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

The ID card, for those who do not have it, can be priceless. Laungaramsri (2014) argues that for stateless people and migrants from Myanmar, the identity card has become an asset of great value related to the legal status the card provides the holder. Having different types of ID card can improve their livelihood, because different cards are issued for different purposes. It is possible for one individual to obtain many different cards and this has become a concerted strategy to ensure that one of the cards could possibly support their legal status in the near future (Laungaramsri 2014, p.160).

The Thai ID card is free for Thai citizens. However, similar to other countries, buying a fake Thai ID card is made possible because of Thailand's widespread and multi-level corruption, as a result of a poor bureaucratic system and bad governance (NGO representative, in-depth interview, Mae Sot, Tak province, 10 September 2014; Sinpeng 2014). The lack of effective census data collection and birth registration system allows individuals to obtain their ID card illegally. Fake citizenship papers and ID cards are

widely used by stateless people to fake citizenship, although it is illegal, because those who hold such documents are protected from police harassment.

The process for obtaining the fake ID card, issued by the Local Administration Department, Ministry of Interior, involves illegal activities and various kinds of scams. For example, Mae Sot is well-known for its black market, where illegal activities are possible. Rumours have spread in the refugee camps for a decade that there are some brokers who can help refugees to get Thai ID cards. However, the price of different categories of the card varies. The price of the Thai national ID card is the highest. The costs range from THB50,000–80,000 (approximately US\$1,485–2,377) (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014). Some refugees in the camp can manage to purchase the ID card with the help of personal networks and a local broker.

The personal connection is very important in the process. When an individual intends to buy an ID card, he will go to consult with those who already have one. There are not many options, but one of them is to purchase. The consultant will refer the individual to a broker who can find any ID card or who can bribe the officer to issue one in exchange for a large amount of money. The price is determined by the difficulty of the process (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

This multi-level corruption involving large amounts of money is performed secretly by local politicians and local government officials. A deal between an individual, or a group of non-Thai migrants, brokers, local politicians and local government officials is made. The broker works as a connection, or a middle-man, who is matching demand for the ID card with supply of available ID cards. The money for the cards can come from individuals or local politicians who own local businesses and reap great benefit from cheap labour. The local government officials are able to access and edit the local household registration in the government online database system. In some cases the government officials can check if any name is available for identity theft,⁵⁴ or illegal personal subrogation/substitution⁵⁵ (or *Karn suam sithi*).

⁵⁴ Identity theft is a type of fraud that involves using someone else's identity to steal or gain a personal benefit or advantage in the other person's name. In this case, a non-citizen assumes the identity of a citizen to gain access to citizenship rights.

⁵⁵ Paying for illegal subrogation of a '10-years ID card,' costs about THB20,000 (about US\$595) for the whole process. It is considerably cheaper than registering as an illegal migrant worker to get a pink card which requires a complicated bureaucratic system involving the employer's approval, annual renewal and fee. The pink card does not allow its holder to travel

In other cases, the names of dead Thai citizens are used by individuals. Occasionally, a registered new born baby's name, which was not reported dead after birth, is available for illegal subrogation. Some local villagers have found 30 years later that their baby's details in the household registration have changed and were illegally used by unknown individuals (NGO representative, in-depth interview, Chiang Mai province, 17 November 2014).

The process of identity theft or illegal personal substitution is extremely risky. For instance, in 2013 approximately 20,000 names were illegally added in the household registration in Wiang Haeng district, located in the northern part of Chiang Mai province, and connected to the Shan State of Myanmar. The police investigated the case⁵⁶ and found that four senior officials of Wiang Haeng district who were on duty at the time were guilty (*Thai PBS News* 2013).

On 17 June 2017, the Thai military government released a new executive decree on foreign labour in order 'to raise the standards of recruitment and management of labour, protect Thai economic security and avoid accusations of abuse or human trafficking' (*Bangkok Post* 2017, p.1). Under this new law, Thai authorities arrested illegal migrants immediately. Heavy punishment was imposed on thousands of illegal migrants and their employers,⁵⁷ whilst registration fees increased.⁵⁸ Hence, more than 60,000 migrant workers, who came from Myanmar, Cambodia and Laos, and worked in Chiang Rai, Chiang Mai and Tak provinces, rapidly returned home (*ABC News* 2017; Tha 2017). Thai businessmen and politicians criticised the government that labour shortage in the private sector and small business threatens the Thai economy. Eventually, Prime Minister Prayuth Chan-ocha asked the Ministry of Labour to reconsider the decree which has been suspended for six months (*Bangkok Post* 2017; Ekachai 2017).

outside his province of registration for more than seven days without the employer's permission. The holders cannot return to their country of origin as well (Aung 2016).

⁵⁶ This case is reported as it is relevant to drug trafficking with state officials' support, because all the individuals' support documents are suspicious. About 6,000 names are unidentified, whilst about 10,000 names cannot prove their Thai identity, and 1,500 names have incomplete documents (*Thai PBS News* 2013).

⁵⁷ Illegal migrants would be either arrested, imprisoned for up to five years, or fined between THB2,000–100,000 (about US\$60-2,970). Their employers would be fined up to THB800,000 (about US\$23,767) if an undocumented migrant worker is hired (Chaimol 2017; Ekachai 2017).

⁵⁸ An employer has to pay THB20,000 (US\$594) for a licence. A migrant worker must pay THB20,000 baht for a work permit, and THB20,000 for annual renewal (Ekachai 2017). This encourages corruption, as some police and officials try to seek bribes from panic stricken migrants and employers (Lefevre 2017).

Using fake illegal ID cards is dangerous. The price of the ID is high and unaffordable for ordinary, low income, stateless people. Buyers normally make a deal with local politicians and government officials by paying an expensive bribe to add their name in the household registration. Once the registration is successful, the issue of Thai ID cards follows. It is, however, an obligation between illegal subrogated persons and the business owner that they have to work to repay the business owner, whilst the Thai ID cards belong to the businessman. Finally, illegal persons are prone to be exploited as they have to work in either low paid or unpaid jobs to repay the businessman (NGO representative, in-depth interview, Mae Sot, Tak province, 10 September 2014).

6.6. Negotiating Freedom of Movement

According to Thailand's migration law, refugees do not have the right of residence in Thailand. They are allowed to stay only temporarily in the shelter areas and have to obtain travel approval documents from the Thai authorities, if they wish to leave the camp. So they fear being evicted or deported by authorities, if they are found outside the camp.

Most refugee camps in Thailand are located in remote mountainous areas, which makes it difficult to travel on foot. They are under the co-administration of the Thai government and the National Security Council (NSC), whose refugee policy is implemented by the Ministry of Interior (MOI). National security policy is stringently implemented at all camps as the flow of people and goods at the main entry and exits are checked by the provincial and district authorities of the Ministry of Interior which appoints camp commanders to monitor refugee and camp committees (The Border Consortium (TBC) 2014). Camp residents are restricted in applying for travel approval if they wish to leave the camp. Outsiders are also limited in travelling into the camp by the Ministry of Interior.

Mae La refugee camp, for example, is located 57 kilometres from Mae Sot town. Transportation, such as a bus line connecting the camps and towns enables some camp residents to travel to the nearest border town of Tha Song Yan and Mae Sot Districts. However, several Thai Army checkpoints along the road check everyone's ID card and arrest illegal migrants and refugees who travel without the required travel approval document. Refugees who leave the camp without travel approval are considered illegal migrants who are at risk of being arrested on the route outside the camps. Although some refugees can manage to leave the camp without the travel approval document, they may

find it difficult to come back to the camp by themselves. They are often arrested and sent back to the camp by the Thai police.

Figure 6.4: Road to Mae La refugee camp



Source: Photo by Ladawan Khaikham, 10 September 2014

It takes nearly one hour from Mae La to the nearest northern town, Mae Sot. I have to wait near the main highway to catch a yellow line bus. The bus leaves from Tha Song Yang district and drives along the highway from the forested hill on either side down to the farms. Passengers increase as it reaches the town. The Thai Army checkpoint is there when I pass. The bus is stopped by the Thai Army officer who asks everyone to show their ID. He aims to catch illegal migrants and refugees who move without a travel approval paper. There are many checkpoints along the main highway. Thai citizens, (who are rare) show their ID cards, a refugee shows travel approval papers. This time, I am granted a seven-day travel approval by the camp commander. I cannot stay longer, otherwise the Thai Army can arrest me (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

In the refugee camp, stateless children who are born in the camp cannot obtain a passport. Although some have proof of birth, they are unable to have their passport issued. Firstly, stateless youth of Myanmar refugee parents are unable to go to Myanmar without proof of citizenship. Secondly, the Thai government issues a passport only to registered stateless people in the civil registration list. As a result, stateless youth of Myanmar refugee parents have to live as permanent refugees and are unable to securely settle in any country (NGO representative, in-depth interview, Mae Sot, Tak province, 10 September 2014).

Figure 6.5: Inside Mae La refugee camp



Source: Photo by Ladawan Khaikham, 12 September 2014

The same condition applies to stateless people who live outside the refugee camps in Thailand. Although stateless youth are living outside the camp, their travel is restricted. Being registered as ‘a person without legal status’, these people are allowed to live and travel only within the district in which they are registered. All young people in this research found that mobility is the most difficult aspect. While waiting for the Thai government’s decision on their legal status, or deportation, they need to obtain permission to travel from the district officer and the provincial governor, if they want to travel out of their district and province. According to the official letter of the Ministry of Interior (MOI) No. 0310.1/wor3408 B.E. 2543 (2000), police can arrest and convict any stateless people who fail to obtain travel approval and are found outside their district or province, as they are guilty of a crime (UNESCO 2008, p.124).

My family member and I could not go anywhere. We have been waiting for many years to confirm our Thai citizen status. Our status has not yet been confirmed so I am always stopped by police when I leave my village. I have nothing to prove that I am Thai (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

During the 15 years of free education in Thailand, stateless youth attending Thai public schools can get travel approval for educational purposes. For example, two stateless young adults explained that their first chance to travel outside Mae Sot district to Bangkok is because of their education. A four-month internship in hotels located in Bangkok was offered to them with the help of their educational institution. However, the situation is different for long-term mobility. After graduation, they had to refuse a job offer at Samui Island, located in the Gulf of Thailand, due to restrictions on their mobility (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

The restriction on movement makes living conditions difficult. Educated stateless young adults aim to further their higher education by going to a university outside their district, in Bangkok or abroad. One of the stateless youth participants had a great educational opportunity outside her district, however, she was not allowed to go. She said:

I want to study abroad. A teacher asked me if I wanted a scholarship to study abroad, but I could not accept it. This upset me very much because I could not take up the opportunity which was in front of me. I can only see it (stateless youth, FGD, Chiang Mai province, 10 November 2014).

The problem of mobility affects stateless young adults' ability to pursue any occupation which requires their movement. After graduation, many stateless youth hope to get a good job offer; however, the restriction on movement does not allow them to work outside their district.

My parents have lived in Thailand since they were teenagers. I was born in Thailand in 1994. Now I hold a 10-year ID card... I want to know when the law will change for us. It is very difficult to go elsewhere. I feel like I don't have freedom. I have a school certificate... I can have a driving licence, but I cannot go and work outside my district (stateless youth, FGD, Chiang Mai province, 10 November 2014).

On the other hand, the jobs available for them within their district of residency are limited.

The limitation on movement impacts on their career choices.

I have studied and graduated from hotel management. I want to work in a good hotel. I had a job offer in Phuket in the last semester of my study. But I cannot go because the district officer said I cannot have approval to stay outside my district for that long. Now I have to decline the offer, and start to look for a job again in Mae Sot. The job is not relevant to what I have studied (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014).

6.6.1. Using Foreign ID to Live in Thailand

To enjoy freedom of mobility, some stateless people use a foreign ID card to live in Thailand. It is not only to end their statelessness, but also so that they can access the citizenship rights in the country which had issued their ID card. However, this practice is very complicated, difficult and limited, because it applies only to those whose parents can prove their original identity and are able to return to their country of origin to get their children registered and have a passport issued. One of the stateless youth participants explained that it is comparatively easy in her case to go to Myanmar and obtain Myanmar citizenship, as her parents are originally from Myanmar.

Although I was born in Thailand, it is very easy for me to go to my parents' village to get my Myanmar citizenship. When I was born, I did not have my birth certificate. My mom asked a Myanmar monk to write my name on a piece of wood as birth evidence. If I want to get Myanmar citizenship, I can show that wood to the district officer. Then, I am eligible to be a Myanmar citizen (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

Undocumented migrants and stateless people can use the restriction of movement and deportation to their advantage. In some cases, stateless youth may be able to go to their parents' country of origin. They can pay money to a broker to help smuggle them to Myanmar (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014). However, if they are poor and unable to contact the embassy of Myanmar in Thailand, they may walk to a Thai police station to get arrested as illegal migrants. This situation works as the police put them in jail whilst awaiting deportation. Later, their parents are asked to be present in the country of origin to prove their offspring's identity. Then they can apply for a passport and return to Thailand with a tourist visa (stateless parents, in-depth interview, Chiang Mai province, 5 November 2014).

Deportation has happened regularly since the Thai coup in May 2014. The Thai military government assigned over 100 armed officers to patrol the Thailand–Myanmar border in Mae Sot District. In June 2014, the government planned to solve the problem of illegal migrants because they are considered a threat to national security (Office of the National Security Council 2015). Armed soldiers guarding the border have noticed that hundreds of illegal migrants cross the natural border every day. They are very difficult to control or arrest, especially regular migrants who come and go on an everyday basis (Army officer, in-depth interview, Mae Sot, Tak province, 20 September 2014).

Figure 6.6: The point of entry: Mae Sot border post



Source: Photo by Ladawan Khaikham, 29 September 2014

It is important to note here that deportation costs the government a great deal. Thai border police realise that many illegal migrant workers use this method to obtain free transportation. In reality, there 'is no point in arresting and deporting these illegal migrants to Myanmar since they will eventually return to Thailand again' (Army officer, in-depth interview, Mae Sot, Tak province, 20 September 2014).

After a foreign passport is issued, these people are not considered stateless anymore. The Thai government considers them as aliens who have to comply with the immigration law. Before returning to Thailand, they have to apply for a Thai visiting visa in accordance with the purpose of entering the country. Using a foreign ID such as a passport helps them receive their education certificate and gain freedom of movement in Thailand. It allows them to work in a specific district. However, they feel as if they are foreigners in their own country (stateless youth, FGD, Chiang Mai province, 10 November 2014).

Stateless youth participants consider using a foreign passport as the last option, because there is a number of limitations connected with a foreign passport. Moreover, the opportunity to apply for a Myanmar passport for stateless children of Myanmar migrant parents is not available to everyone. Stateless youth have to make sure that they are able to go to their parents' country of origin to apply for a passport. One of the stateless youth

participants was advised to obtain a Myanmar passport, because it is easier than applying for Thai citizenship. Nevertheless, she could not go to Myanmar, because she could not prove that she was from Myanmar. To begin with, her parents lost their Myanmar identity documents long ago, when they fled the conflict zone. It was impossible for her to track her family history to prove that she was from Myanmar. Secondly, she was from an ethnic minority family, so she could not speak Myanmar language at all. Therefore, it was impossible for her to apply for Myanmar citizenship (stateless youth, FGD, Mae Sot, Tak province, 12 September 2014).

6.7. Applying for Thai Citizenship

6.7.1. ‘I want to be Thai’

When stateless youth decide to use other ID cards to live in Thailand, they give up their chance to obtain Thai citizenship. Some stateless youth are able to prove their identity is Myanmar, but they are not interested in applying for Myanmar citizenship (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014). A stateless youth participant said,

I was born in Thailand. I studied in the Thai school. I speak Thai. So I want to be a full Thai citizen. If I get Myanmar citizenship, I cannot become a Thai citizen anymore (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014).

Stateless youth who were born in Thailand to a Karen or Shan family realise that they are of a different ethnicity from the Thai. The local dialect is used as the main language of communication, and Karen culture is preserved in their family and community (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014). Nevertheless, while all stateless youth participants prefer Thai citizenship to Myanmar citizenship, their reasons are various. Stateless youth of refugee parents prefer to have Thai citizenship due to their parents’ unhappy memories of Myanmar. Two stateless youth in Mae Sot, Tak province and Chiang Mai province said that:

No I do not want Myanmar citizenship. My parents have told me they have to run out of the conflict zones in Myanmar. It is very dangerous to live there. Our house was burned, so my parents moved to live in Thailand (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014).

...I hope that I can become a full Thai citizen. I know that I am not ethnic Thai and I have never forgotten my Shan identity, but I love Thai people and Thailand... (stateless youth, FGD, Chiang Mai province, 20 November 2014).

Moreover, for stateless youth to go to Myanmar to obtain Myanmar citizenship makes their life uncertain. For them, their lives in Myanmar are unimaginable. Their future is unforeseen. Some parents, who have left Myanmar a long time ago, are unable to find their villages. The first group of 68 Myanmar refugees was voluntarily repatriated to Myanmar in October 2016 (Lefevre 2016). Although most of them travelled back to their hometown, some 17 refugees had nowhere to live. As a result, they ended up in Yangon waiting for the government to relocate them somewhere⁵⁹ (Mon 2016). Going to Myanmar for Myanmar citizenship is like re-starting their life from zero. Therefore, they prefer to stay in Thailand to live out their lives (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014).

On the other hand, stateless youth participants who were born and have lived *outside* the refugee camps in Thailand for a long time feel more attached to Thai society than those who were born and have lived *in* the refugee camps.⁶⁰ In terms of the decision to go to Myanmar to obtain Myanmar citizenship, these stateless youth are more concerned about their family settlement and friendship circle in Thailand, rather than an uncertain life in Myanmar. It is understandable because their family has settled and their social networks are established within Thai society, as they have more opportunity to socialise with Thai friends through school. They consider themselves more Thai than otherwise.

We have a house and our plantation. We have everything here. I do not think I will go to Myanmar. I do not want Myanmar citizenship. We cannot go there. My family has nothing there. I will stay in Thailand, waiting for my Thai citizenship to be confirmed (stateless youth, FGD, Mae Sot, Tak province, 20 September 2014).

They prefer to stay in Thailand, although they have difficult lives, and are trying to apply for Thai citizenship.

6.7.2. Application for Thai Citizenship

Receiving Thai citizenship is the best way to end their statelessness. However, Thailand's citizenship policy is based on the government's expectation that non-Thai migrants, with their stateless children, will simply return home. In reality, the stateless children have

⁵⁹ It is possible that the Myanmar government would assign them to stay in low-cost housing at Shwe Linn Ban industrial zone. They also have to pay about K9.8 million (US\$7,540) for the accommodation at an unspecified future time (Mon 2016).

⁶⁰ Italics by the researcher.

been born in Thailand and lived there their whole life. It is difficult for them to go to a place where they have never been and live there. Therefore, to have fulfilling lives, they are trying to apply for Thai citizenship (stateless youth, FGD, Chiang Mai province, 10 November 2014).

In 2000, the Ministry of Interior changed its regulation by giving the authority to grant Thai citizenship to district officials. This change was expected to make the process faster as hundreds of thousands of hill tribe people were eligible for Thai citizenship. However, there are officials who slow down the process in order to bargain for bribes. Corruption is still under cover, but becoming normal practice, especially in the government offices along the border provinces. Many applications are ‘accidentally’ lost, delayed or disposed of due to the outright prejudice of the officials (NGO representative, in-depth interview, Mae Sot, Tak province, 10 September 2014; *Bangkok Post* 2016). Moreover, in 2002 Prime Minister Thaksin Shinawatra intended to grant Thai citizenship to approximately 200,000 hill tribe people and different groups of stateless people including children and young adults who had continuously lived in the country for more than 10 years (*The Nation* 2006). The National Security Council estimated that almost 1,300,000 stateless people would have been granted Thai citizenship, if the policy had been continued (Kaosa-ard and Rutherford 2007). Unfortunately, this policy was never implemented. This policy failed not only due to the fact that the Prime Minister was overthrown, but also, in the state’s eyes, the policy was not an urgent issue.

During 2008–2017, a series of new laws was passed that bring more benefits to stateless people in the country. In 2008, a new law allowed stateless people who were born before 26 February 1992 to be granted Thai citizenship. Unfortunately, the younger generations remain stateless. In 2012, the amended *Nationality Act B.E. 2508* (1965) granted citizenship to around 17,000 displaced Thai people who used to live outside the country.⁶¹ In 2015, the military government granted legal status to stateless students who are in the registration database of Thai public schools (Jedsadachaiyut and Al-jasem 2016). However, among 69,600 stateless students in Thai public schools, only 19,800 were determined to be eligible for Thai citizenship (Srisinsuphya 2016). Furthermore, *Notification of the Ministry of Interior* in January 2017 allows about 80,000 stateless

⁶¹ Displaced Thai people are those who used to live in Myanmar. They decided to move to Thai territory in the 1980s.

people to apply for Thai citizenship. Nevertheless, eligible applicants need to demonstrate that they are born in Thailand to parents from ethnic minority groups; they have lived in Thailand for more than 15 years; and they have graduated from university (Rakkanam 2017; *Notification of the Ministry of Interior on granting Thai citizenship to persons born in the Kingdom of Thailand to alien father and mother in general and specific cases* 2017, pp.10–14).

Besides these strict criteria, there are also too many difficulties concerning the application of laws and regulations. According to the *Nationality Act, B.E. 2508* (1965) (as amended in 2012), granting Thai citizenship is based on each individual case under the Minister's consideration 'in conformity with the rules prescribed by the Cabinet' (*Nationality Act B.E. 2508* 1965, p. 5). Not many stateless people are able to end their statelessness by applying for Thai citizenship, as most stateless adults and youth are ineligible to apply for Thai citizenship and continue to be categorised as illegal migrants. Moreover, many stateless people are local villagers who lack legal knowledge about the civil and household registration and Thai citizenship. For instance, if they do not have to travel outside their district, they do not have to get involved with the district office and the government at all.

My mother and father have been working in our field in our district in Tak province. They do not have to travel outside so they do not need travel approval. Also they want to avoid contacting the district officer or the government because they are illegal Karen people who have lived in Tak province. They are afraid of getting arrested. But I need to go outside our district for study, so I have just realised that I cannot go because I am not a Thai citizen (stateless youth, FGD, Mae Sot District, Tak province, 12 September 2014).

The new generation of stateless young adults is educated and knowledgeable. After 18–30 years staying in Thailand, studying in the Thai educational system and speaking Thai, they now consider themselves as Thai and want to apply for Thai citizenship.

6.7.3. The Case of Pu Too's Application for Thai Citizenship

The policy failure affected Pu Too who is one of the stateless young adults. Pu Too was studying in the Thai public education system with the help of NGOs and a private scholarship. Her parents migrated from Shan State in Myanmar to Thailand long ago. She was born in Chiang Mai province in Thailand in 1992.

My family moved to Chiang Rai and Chiang Mai Thailand, because we wanted to reunite with my grandma who had already lived there for 20 years and my parents wanted to find a job. I was born in our village and have lived there my whole life (stateless youth, FGD, Chiang Mai province, 14 November 2014).

When they first arrived in Chiang Mai, Pu Too's parents could not speak Thai at all. Without any identity document, they became stateless persons. Pu Too's parents work in jobs that change regularly. Since 2001, her parents have been registered as alien migrant workers and obtained work permits. Thus, they were able to be registered in the household registration system. Nonetheless, Pu Too cannot obtain legal status and has become a stateless person.

Although stateless young adults are educated and knowledgeable, they are not eligible to apply for Thai citizenship, until they are 20 years old. NGOs have played an important role to solve the problem of stateless children and young adults in Thailand (Saisoonthorn 2003, p.7). Assistance and aid are available through the private sector and NGOs to help them access their rights and apply for Thai citizenship. Firstly, stateless young adults have received support from their primary school and teachers who allowed them to study in a local school. In Pu Too's case, Rak Dek Foundation helped her to be able to register her name in Fang district, Chiang Mai province, as a person without legal status. She was able to go to secondary and high school with financial support from a private foundation. It was easy for her to study in the district where she is registered (stateless youth, FGD, Chiang Mai province, 14 November 2014).

Pu Too's life has changed again. Once she graduated from school, her choices were very limited. Although she obtained scholarship offers from universities outside her district, she could not accept them. Short term travel for educational purpose is approved easily, but studying or working outside the district for a long time is impossible. Pu Too believed that if she could end her statelessness by obtaining Thai citizenship, she could have freedom of movement and be able to accept scholarship offers to study overseas.

She said:

I have applied for Thai citizenship a long time ago, but the result has not been released yet... I just want the Prime Minister to give me approval that allows me to go anywhere just like other people (stateless youth, FGD, Chiang Mai province, 14 November 2014).

Besides the lack of legal knowledge that deprives locals and villagers of the capacity to apply for Thai citizenship, the process of the application itself is very complicated and could take a long time. Mr Yuthachai, a representative of the Mirror Foundation, who works with stateless youth in Chiang Mai and Chiang Rai provinces, explained the reality of the process as a difficult, complex and unfinished project (NGO representative, in-depth interview, Chiang Mai province, 8 November 2014). Although the process of application is explained in the *Handbook of Registration and Citizenship* provided by the Office of Registration, Local Administration Department, which is accessible online, it is hard for local stateless people without the internet to access it. Besides, official standard Thai language is difficult to understand for those who are not native Thai. Importantly, the process in the handbook is only part of the whole process. The non-government organisations (NGOs), based in Chiang Mai, Mae Sot and Mae Hong Son provinces, have been working to provide knowledge of the Thai citizenship application process to stateless locals and villagers. For some special cases, these organisations have stepped in to help stateless people submit their applications for Thai citizenship.

To apply to be a Thai citizen, we have to apply to be entered into the household registration system by providing strong evidence to the district officer. Firstly, we have to know the status of the stateless person's parents, if their name is already in the household registration, if they are ethnic minority, or migrants from foreign countries who have stayed in Thailand for a long time. We have to be able to prove that the stateless person is a descendant from their parents (NGO representative, in-depth interview, Chiang Mai province, 8 November 2014).

Pu Too has applied from her current residence to the district office where the district officer can refer to her personal records. According to the in-depth interview with an NGO representative in Chiang Mai province (17 September 2014), in order to prove that their offspring should be entered into the household registration, the applicants have to provide one or two pieces of evidence. The first piece of evidence is villagers who can verify Pu Too's relationship with her parents. The second piece of evidence is a DNA test result which confirms her parental relationship⁶² (Senate Thailand 2013). Problems occur

⁶² It is worth nothing here that DNA test does not identify or guarantee Thai citizenship. The test result is merely one piece of evidence to prove the parental relationship with the claimed parents whose names pre-exist in the Thai household registration (Schearf 2011; Senate Thailand 2013).

in this process when the local authorities are not satisfied with the confirmation of the witnesses in the village, and the DNA test result is required.

We were conducting a referendum among villagers as witnesses in order to confirm Pu Too's status as a child of her parents who live in that village. The result was very obvious when all villagers confirmed their parental relationship because they have lived there their whole lives. However, the district officer is not happy with the result. I do not know what he really wants. He insists that he needs DNA check which is very expensive for us (NGO representative, in-depth interview, Chiang Mai province, 10 November 2014).

As the authority to grant citizenship depends on the district officers who can use their own judgement to reject the applications, the system allows corruption and prejudice which are common difficulties (Schearf 2011; NGO representative, in-depth interview, Mae Sot, Tak province, 2014; *Bangkok Post* 2016). Moreover, the DNA examination costs THB2,050 per person (about US\$61), which is relatively expensive for local people. Also NGOs do not have enough financial support for all applicants to pay for the DNA test. In many cases, applications are unable to be submitted because of the lack of the DNA test result (NGO representative, in-depth interview, Mae Sot, Tak province, 17 September 2014).

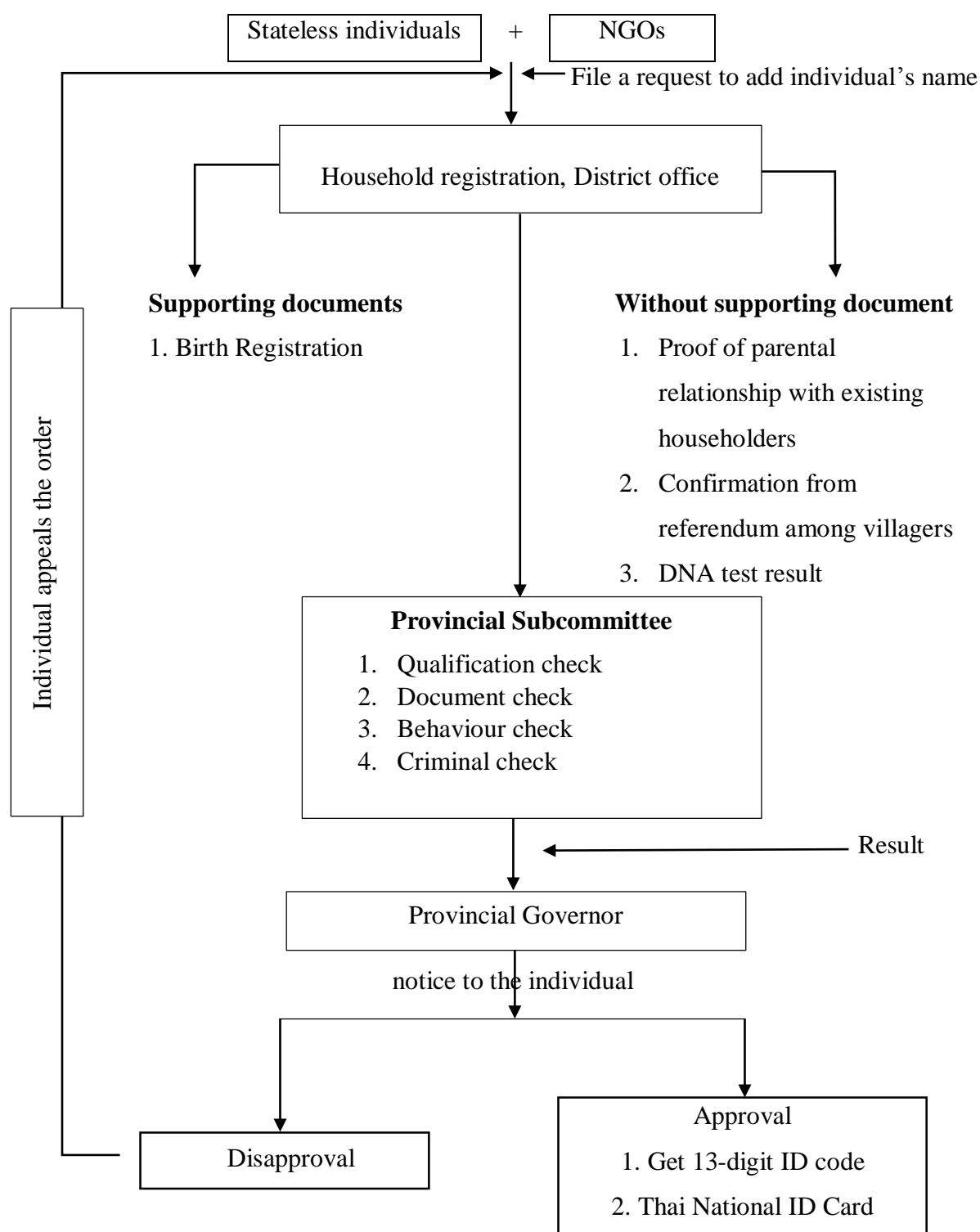
The complicated process for the Thai citizenship application can take up to a decade, and the result is not always promising. Some cases are granted Thai citizenship, some are added to the household registration and are provided merely with 10-year ID cards, which allows them to re-apply for Thai citizenship 10 years later. Some are not granted any status and continue stateless. Pu Too's application was launched in 2004 when she was in grade 6, yet she has not heard anything about it. Jane, who has taken care of Pu Too's Thai citizenship application for almost 10 years, states that

... It takes a very long time to get a result from the Ministry of Interior. We submitted the application in 2004. Now it is 2014. We have been waiting for ten years, and the result may not make us happy... (NGO, representative, in-depth interview, Chiang Mai province, 17 November 2014).

Pu Too said:

I want to know if I will get Thai citizenship. I have submitted my application since I was in grade 6 in 2004. I have paid a lot of money and been waiting for a long time until today (stateless youth, FGD, Chiang Mai province, 14 November 2014).

Figure 6.7: The process of Thai citizenship application for stateless youth



Source: adapted from Mirror Foundation (2009) and in-depth interview with NGO representatives, Tak province and Chiang Mai province, September–November 2014

Although the application process can take a decade, and its result may not be favourable, these stateless youth prefer to stay in Thailand and to apply for, and obtain, Thai citizenship.

6.8. Conclusion

Stateless youth in Thailand have been struggling to access their basic rights by employing both legal and illegal activities. They can access education by participating in community-based schools. Since 2005, all stateless youth have been allowed to attend Thai public schools. Local private medical practitioners and clinics provide them with a health care service. Illegal activities which involve scamming, identity theft or illegal personal substitution and fake ID cards are real practices for those who can afford them. Finally, these stateless youth prefer to stay in Thailand and to apply for Thai citizenship because they consider themselves as Thai. Chapter 7 will discuss Thai respondents' opinions about whether stateless youth should be granted Thai citizenship.

Chapter 7: The Opinions of Thai Respondents towards the Stateless Youth in Thailand

7.1. Introduction

This chapter presents results from 315 completed paper questionnaire surveys conducted between November 2014 and April 2015. This chapter shows that the opinions of Thai respondents are significantly different from the government perspective. The government considers the refugees along the borders and individuals without legal status, or stateless people, as threats to national security. However, the data suggest that the Thai respondents see the refugees along the borders and stateless people differently. The respondents believe that the temporary shelter areas and the refugees cause some problems such as threats to national security and personal safety. Hence, the respondents need the Thai government to take care of border security, as a part of national security.

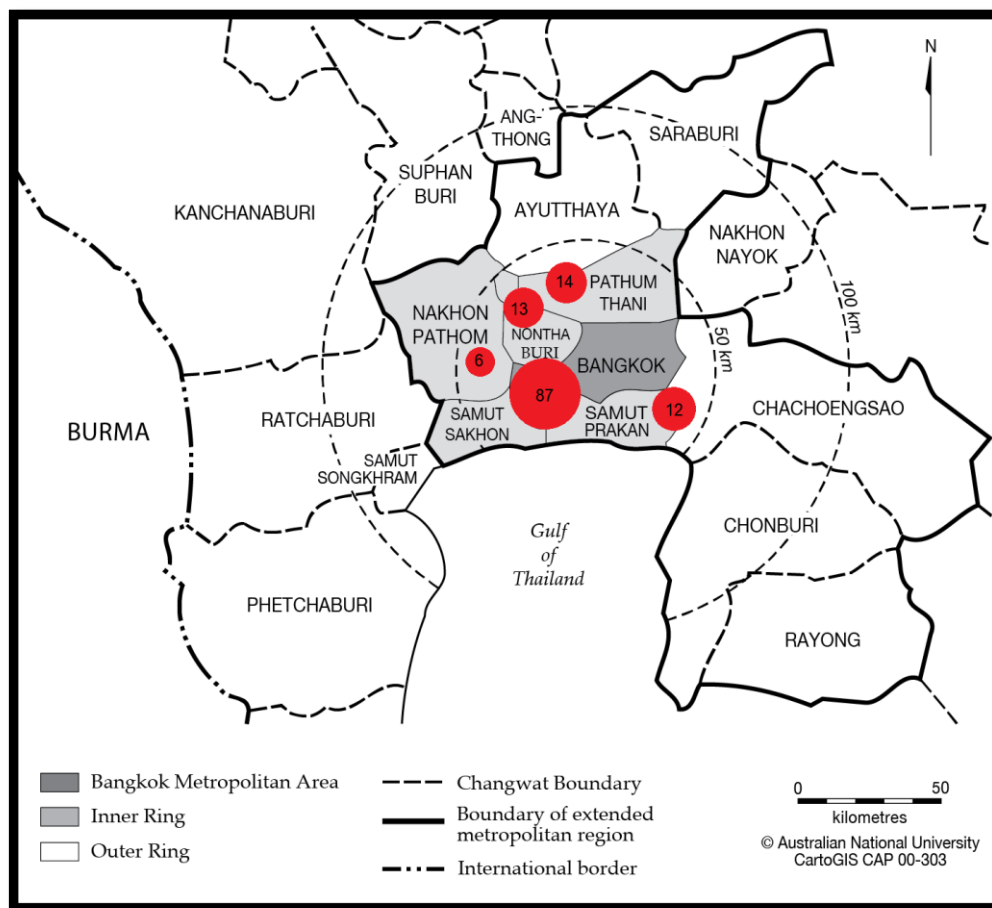
On the other hand, the respondents consider the stateless status as a social matter rather than a security concern. They believe this is a social issue that can be solved by the Thai government's agencies in cooperation with INGOs/NGOs. Consequently, the data show the majority of overall respondents, about 64 per cent, prefer stateless youth to gain Thai citizenship and remain in Thailand. The Thai male respondents who have engaged with non-Thai migrants previously are more likely to support the stateless youth than the female respondents. The reasons for supporting them are various such as humanity and morality reasons, the *jus soli* principle, basic human rights and human security reason. Also, personal safety reasons, economic reasons and child protection by law are mentioned.

This chapter consists of three parts. Firstly, the overview of research participants identifies the research target group by using snowball sampling as the data collection strategy. The second part presents the results and a discussion relating to the Thai respondents' engagement with non-Thai migrants and the Thai respondents' opinion of refugees and temporary shelter areas, border security and stateless youth. Moreover, the reasons why the respondents support or do not support the stateless youth in gaining Thai citizenship are presented. Finally, the research findings and conclusion are discussed.

7.2. Overview of Research Participants

In this chapter, data have been collected from 315 paper questionnaire surveys, completed by Thai citizens nationwide. This research engages the general population of various areas in Thailand in demonstrating the opinions of Thai respondents as important factors in helping promote awareness of refugees and stateless people in Thailand. Moreover, Thai citizens' opinions may 'have the power to change the government's policy' (Sunpuwan and Niyomsilpa 2012, p.11), because Thai citizens aged 18 years and over in principle are able to vote in local and national elections, and participate in political campaigns and social movements.

Figure 7.1: The distribution of the survey's participants in the BMR



Source: Questionnaire survey between November 2014 and April 2015; map adapted from Carto GIS 2016b, CAP, Australian National University

Later, the research participants referred the researcher to a broader participant group. About 61.90 per cent of these reside outside the BMR.

Figure 7.2: The distribution of the survey's participants nationwide

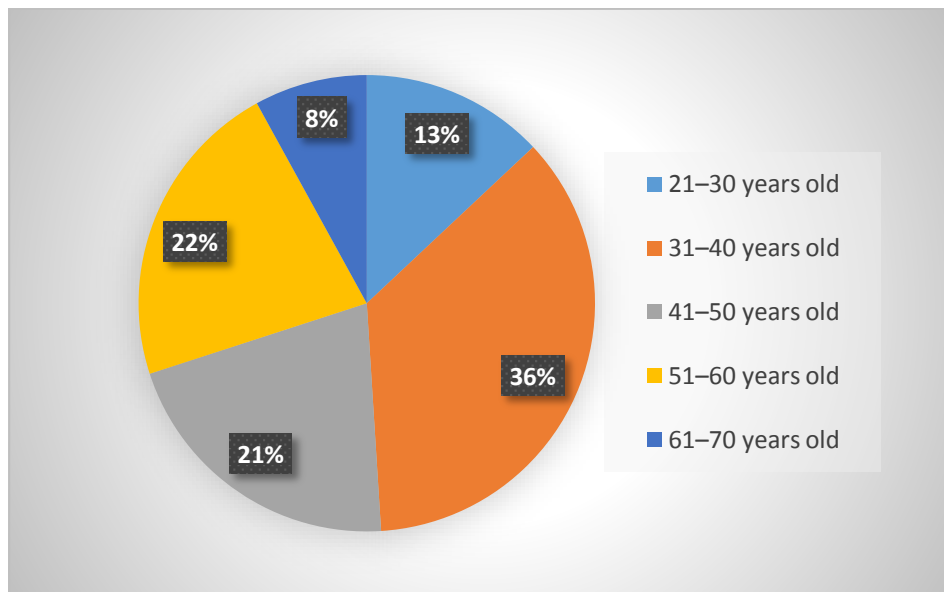


Source: Questionnaire survey between November 2014 and April 2015; map adapted from Carto GIS 2015, CAP, Australian National University. The red dots show the number of respondents in each area.

Subsequently, the research result shows that the paper survey was completed by participants coming from multiple areas including provinces where refugee camps are located, and homes for stateless youth, such as in Chiang Mai, Mae Hong Son, Tak, Ratchaburi, and Kanchanaburi. Moreover, participants living in border provinces between Thailand–Laos and Thailand–Cambodia, such as Ubon-Ratchathani, Nong Khai and Nakhon Phanom are also included.

The survey covers Thai respondents aged between 21 to 70 years old from various socio-economic backgrounds. Some 58.41 per cent were female and 41.59 per cent were male. The average age of the survey respondents is 43.16 years old. Figure 7.3 shows overall respondents' age groups. About 36 per cent of respondents are in the age group 31–40 years old. Some 22 per cent are in the age groups 51–60 years old. Respondents aged 41–50 years old and those 21–30 years old represent 21 per cent and 13 per cent respectively. The smallest group comprises respondents aged 61–70 years old (8 per cent).

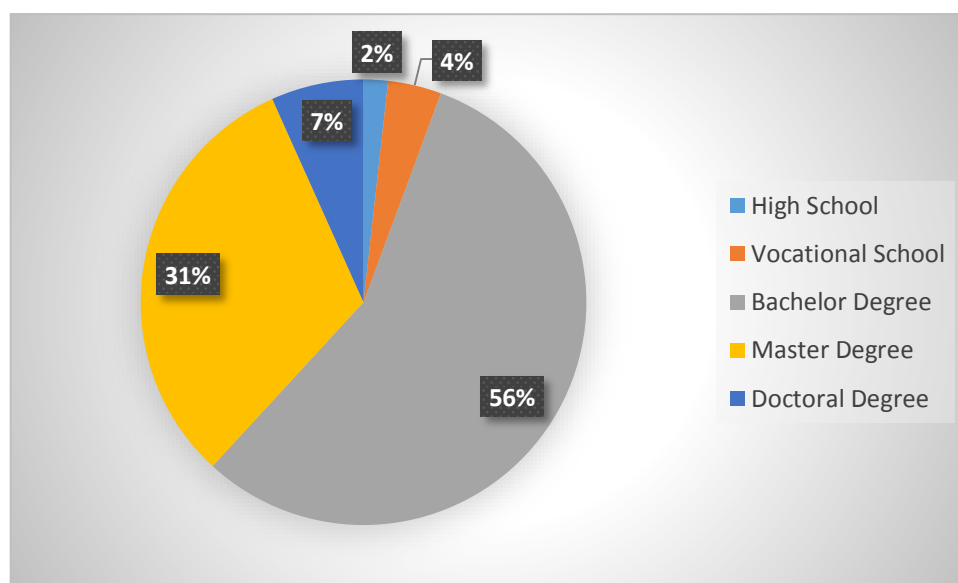
Figure 7.3: Overall respondents' age groups



Source: Questionnaire survey between November 2014 and April 2015

In terms of education, Figure 7.4 shows that more than half of the total respondents had a bachelor degree (56 per cent) whilst 31 per cent had a master's degree. The third group of respondents (7 per cent) had finished a doctoral degree. About 4 per cent have finished their vocational education. The smallest group is the 2 per cent who completed their education at high school level.

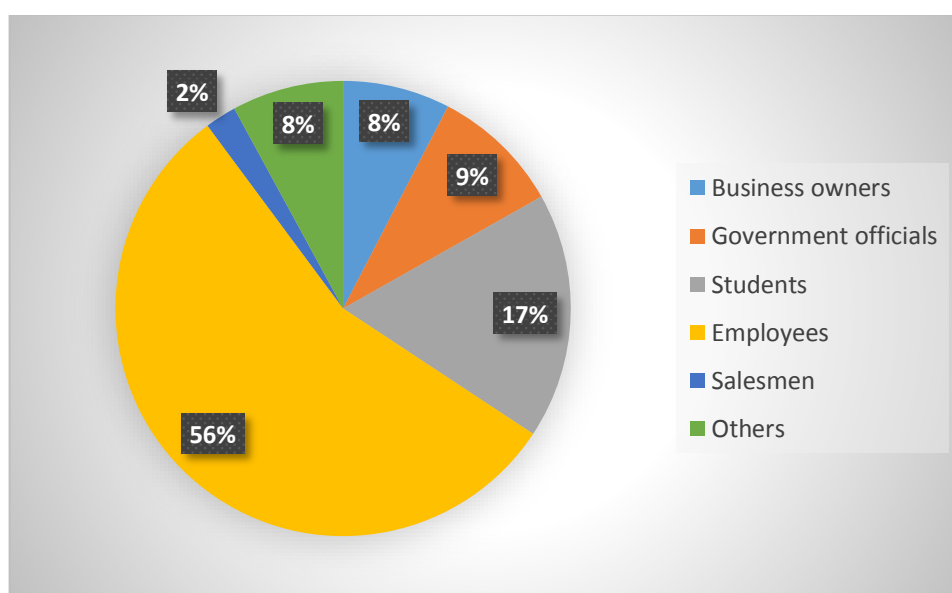
Figure 7.4: Respondents' educational level



Source: Questionnaire survey between November 2014 and April 2015

In terms of careers, Figure 7.5 shows that the overall majority of respondents are employees of a private company (56 per cent). The second largest group is students (17 per cent). Moreover, small numbers are government officials, business owners, or have other types of employment; these constitute 9 per cent, 8 per cent, and 8 per cent respectively. The smallest group (about 2 per cent) is salesmen.

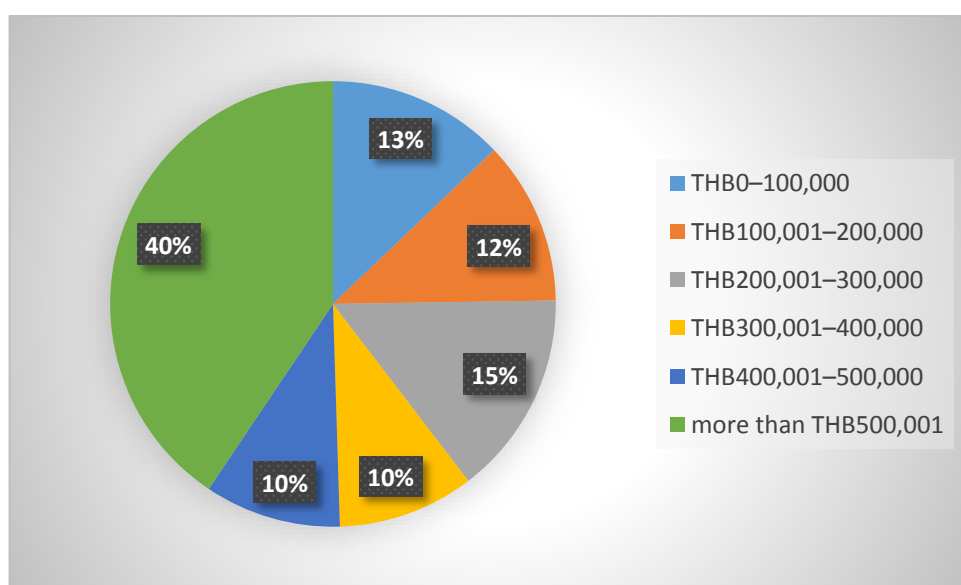
Figure 7.5: Respondents' careers



Source: Questionnaire survey between November 2014 and April 2015

In terms of salary, Figure 7.6 shows that 75 per cent of respondents receive more than THB200,000 per year. The majority, about 40 per cent, receives more than THB500,000 per year. The second largest group is the respondents who receive THB200,000–300,000 baht per year (15 per cent). About 10 per cent receives THB300,000–400,000 per year. About 10 per cent receives THB400,000–500,000 per year. The rest, about 25 per cent of respondents, receives less than THB200,000; about 13 per cent receives no more than THB100,000 per year, and about 12 per cent receives THB100,000–THB200,000 per year.

Figure 7.6: Overall respondents' salary per year



Source: Questionnaire survey between November 2014 and April 2015

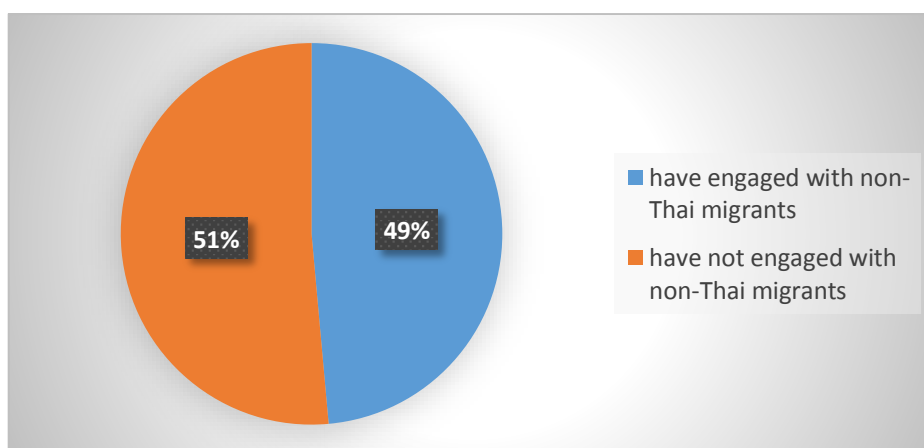
In terms of family, more than half of the overall respondents do not have children (60.32 per cent). The rest, 39.68 per cent, have at least one child (Questionnaire survey between November 2014 and April 2015).

7.3. The Thai Respondents' Engagement with Non-Thai Migrants

This section was designed to ask the respondent about her/his engagement with non-Thai migrants. Questions include whether they have worked with and/or employed non-Thai migrants, by asking the question, 'Have you ever employed or worked with non-Thai migrants?' Responses to the questionnaire aim to elucidate how familiar the respondents are with the non-Thai migrants.

Firstly, this research identifies two groups of respondents as shown in Figure 7.7. About 49 per cent have engaged with non-Thai migrants. The second group, 51 per cent, i.e. more than half, have never engaged with non-Thai migrants.

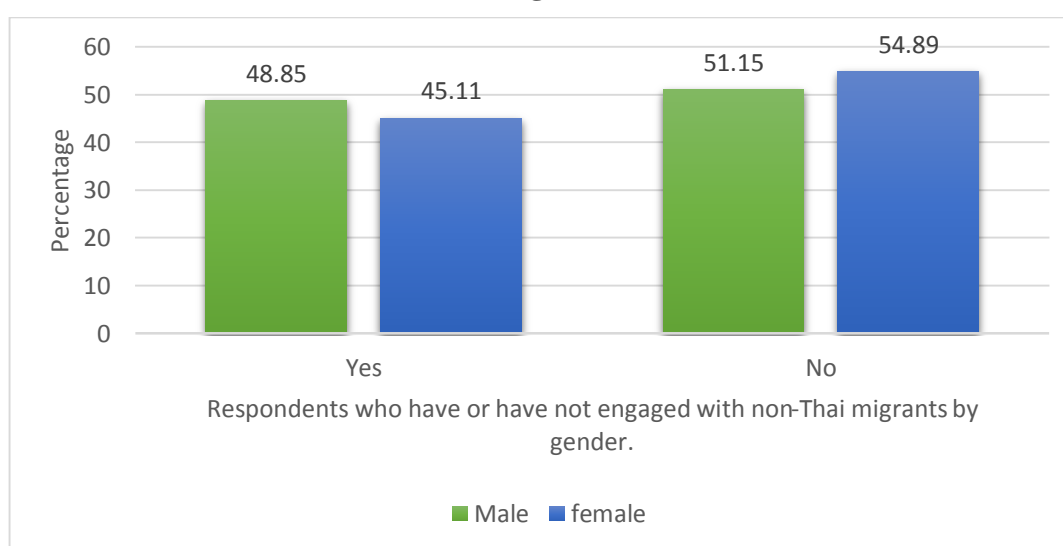
Figure 7.7: Respondents who have or have not engaged with non-Thai migrants



Source: Questionnaire survey between November 2014 and April 2015

In terms of gender comparison, Figure 7.8 shows some differences. The data show that more than half of male respondents (51.15 per cent) and female respondents (54.89 per cent) have never engaged with non-Thai migrants. On the other hand, comparatively, more male respondents (48.85 per cent) have engaged with non-Thai migrants than have female respondents (45.11 per cent).

Figure 7.8: Respondents who have or have not engaged with non-Thai migrants by gender



Source: Questionnaire survey between November 2014 and April 2015

Table 7.1 shows the correlation between the respondents' careers and their engagement with non-Thai migrants. Among the different careers, more than 50 per cent of business owners, students, salesmen and those with other careers have engaged with non-Thai migrants. It shows that people with these careers have more chance to employ non-Thai employees, study with non-Thai students and contact non-Thai customers than do those with other careers, such as government officials and employees of private companies, who do not have a chance to interact with non-Thai migrants.

Table 7.1: The correlation between the respondents' careers and their engagement with non-Thai migrants

Career	Have engaged with non-Thai migrants (%)	Have never engaged with non-Thai migrants (%)
1. Business owners	62.50	37.50
2. Government officials	44.83	89.66
3. Students	56.36	43.64
4. Employees	38.86	61.14
5. Salesmen	57.14	42.86
6. Others	64.00	36.00

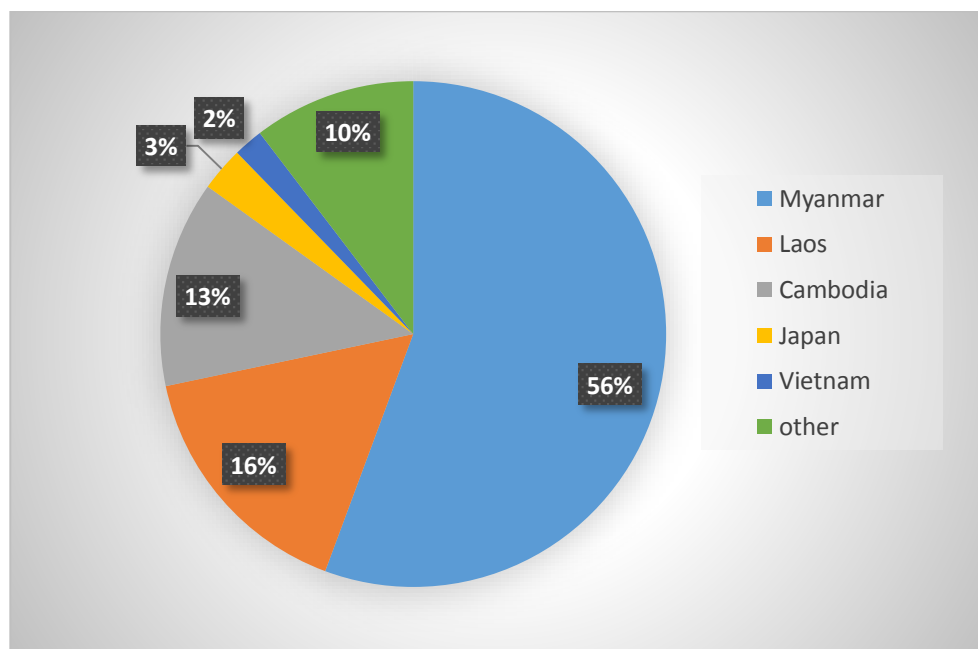
Source: Questionnaire survey between November 2014 and April 2015

Later, the respondents were asked to identify which non-Thai migrants they have employed or worked with previously. This question was designed to see with which non-Thai identity the respondents were most familiar.

Figure 7.9 shows that among respondents who have employed or worked with non-Thai migrants, those from Myanmar such as the Burman, Karen, including Karen ethnic minority of the Thai Yai, Lahu and Pga K'nyauare, who are actually Thai citizens, are the most mentioned (about 53 per cent). The second and third most mentioned groups of non-Thai migrants come from Laos and Cambodia, respectively. Those from Vietnam and Japan are rarely mentioned. Others who come from Singapore, Malaysia, The Philippines,

China, Russia, The Netherlands, Belgium, India, Switzerland, Indonesia, the U.S., France, Germany, Australia and the U.K. are also less frequently mentioned.

Figure 7.9: The countries of origin by percentage of non-Thai migrants mentioned



Source: Questionnaire survey between November 2014 and April 2015

Table 7.2 shows the respondents' overall profile. It also shows in percentage terms the differences between the two groups of respondents. The first group is the respondents who have engaged with non-Thai migrants previously. The second group is the respondents who have never engaged with non-Thai migrants.

Table 7.2: Respondents' overall profile

Respondents' Socio-economic background	Overall (%)	Have engaged with non- Thai migrants	
		Yes (%)	No (%)
Gender			
• Male	41.59	48.85	51.15
• Female	58.41	45.11	54.89
Age group			
• 21–30 years old	13.02	56.10	43.90

Respondents' Socio-economic background	Overall (%)	Have engaged with non- Thai migrants	
		Yes (%)	No (%)
• 31–40 years old	36.19	50.00	50.00
• 41–50 years old	20.32	45.31	54.69
• 51–60 years old	22.22	37.14	62.86
• 61–70 years old	8.25	46.15	53.85
Residential areas			
• in the BMR	38.10	56.67	43.33
• outside the BMR	61.90	40.51	59.49
Length of residence in survey areas			
• 0–3 years	12.70	60.00	40.00
• 3–6 years	8.57	29.63	70.37
• 6–9 years	7.62	41.67	58.33
• 9–12 years	6.03	52.63	47.37
• 12–15 years	4.13	23.08	76.92
• more than 15 years	60.95	47.92	52.08
Education level			
• High School	1.90	66.67	33.33
• Vocational School	4.13	46.15	53.85
• Bachelor Degree	55.56	44.57	55.43
• Master Degree	32.06	47.52	52.48
• Doctoral Degree	6.35	55.00	45.00

Respondents' Socio-economic background	Overall (%)	Have engaged with non- Thai migrants	
		Yes (%)	No (%)
Careers			
• Business owners	7.62	62.50	37.50
• Government officials	9.21	44.83	89.66
• Students	17.46	56.36	43.64
• Employees	55.56	38.86	61.14
• Salesmen	2.22	57.14	42.86
• Others	7.94	64.00	36.00
Salary per year			
• THB0–100,000	11.75	29.73	70.27
• THB100,001–200,000	13.02	56.10	43.90
• THB200,001–300,000	15.24	45.83	54.17
• THB300,001–400,000	9.21	55.17	44.83
• THB400,001–500,000	10.48	48.48	51.52
• more than THB500,001	40.32	46.46	53.54
Family context			
• Has children	39.68	38.40	61.60
• Does not have children	60.32	52.11	47.89

Source: Questionnaire survey between November 2014 and April 2015

7.4. The Thai Respondents' Knowledge Concerning Refugees

7.4.1. Knowledge of Temporary Shelter Areas and Refugees

When the government consolidated the refugee camps⁶³ in 1995–1997, they were expected to become inaccessible to Thai people. However, this has proved to be impossible, because some refugees can find their way to work outside the camps. This section of the questionnaire aims to explore the respondents' knowledge of temporary shelter areas and refugees living along the Thailand–Myanmar border.

The modified Likert scale has been used to measure and evaluate the Thai respondents' knowledge through two sets of statements concerning temporary shelter areas and refugees. The first set of statements concerns awareness of the existence of temporary shelter areas and refugees among Thai respondents. Table 7.3 shows that the knowledge of Thai respondents concerning refugees is very limited, as less than half of overall respondents (about 49 per cent) agree that they 'know of the existence of the temporary shelter areas along the border'. Secondly, about 48 per cent knows that 'people living in the temporary shelter are refugees'. Moreover, about 36 per cent agrees that they 'know the refugees are from Karen/Shan States inside Myanmar'. However, more respondents are unsure about the statement while the rest do not agree with it. The majority (40 per cent) disagrees with the fourth statement, 'the temporary shelter areas are closed areas'. Only 33 per cent agrees with this statement. The rest are not sure about the statement.

Table 7.3: Overall results of the Thai respondents' knowledge of temporary shelter areas and refugees

Statements	Overall (%)		
	Agree	Unsure	Disagree
1. I know of the existence of the temporary shelter areas along the border.	48.89	27.94	23.17

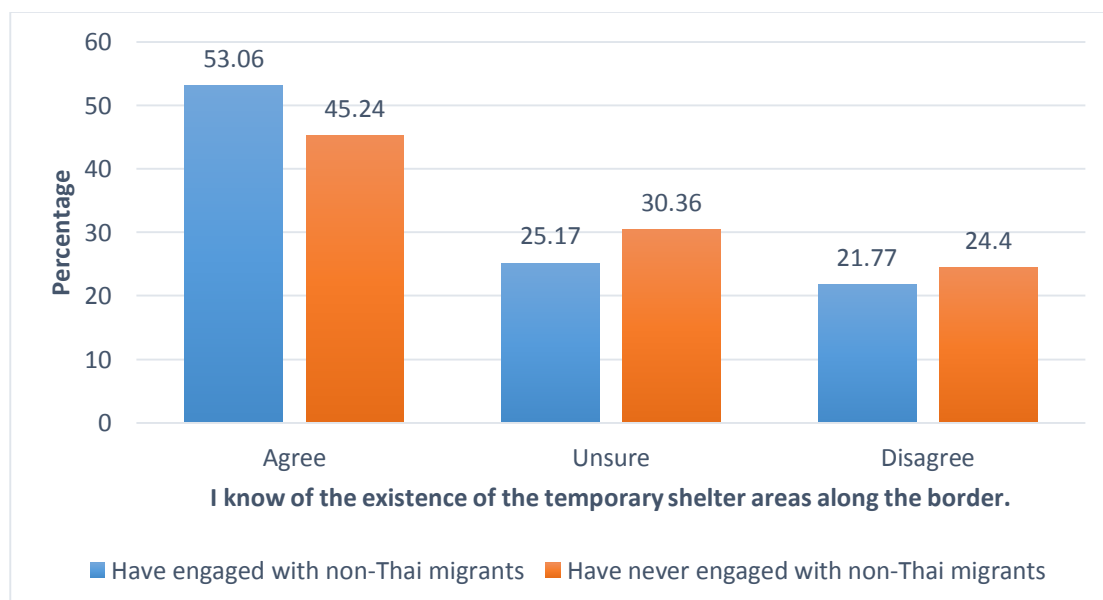
⁶³ In the beginning, the refugee communities were allowed to be established together with Thai border communities. However, later in 1995 the villagers' failure to protect themselves from the Burmese army's attack attracted the Thai Government's sanction. All communities were consolidated into nine 'temporary shelters' as today. The Thai government imposed more direct control over the communities for security reasons, and displaced people were in principle completely cut off from the local Thai communities and Thai villages.

Statements	Overall (%)		
	Agree	Unsure	Disagree
2. I know people living in the temporary shelter areas are refugees.	47.62	26.67	25.71
3. I know the refugees are from Karen/Shan States inside Myanmar.	35.87	34.92	29.21
4. I know the temporary shelter areas are closed areas.	32.38	27.62	40.00

Source: Questionnaire survey between November 2014 and April 2015

Comparing the two groups of respondents who have or have not engaged with non-Thai migrants, Figure 7.10 shows that the majority of both groups (about 53 per cent of the first group and about 45 per cent of the second group) acknowledge that they know of ‘the existence of the temporary shelter areas along the border’. Slightly more respondents of the first group know of the existence of the temporary shelter areas along the border than the second group.

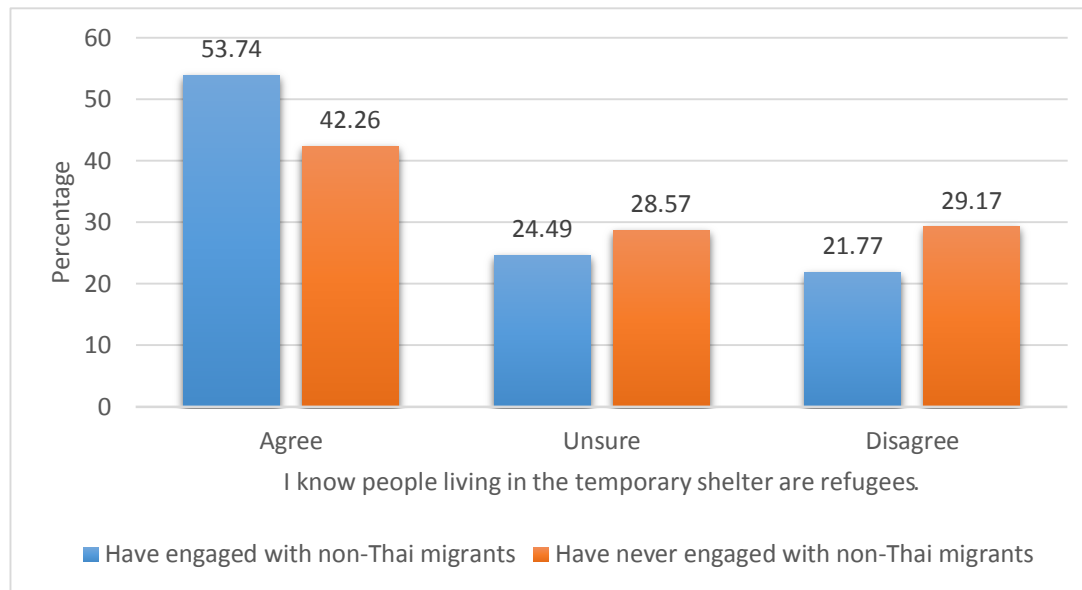
Figure 7.10: The percentage of respondents who know of the existence of the temporary shelter areas along the border



Source: Questionnaire survey between November 2014 and April 2015

Furthermore, in Figure 7.11 the majority of both groups agrees that they know that ‘people living in the temporary shelter are refugees.’ However, slightly more respondents of the first group know about this than the second group; these are 53.74 per cent and 42.26 per cent, respectively. More respondents of the second group are unsure and disagree with the statement, compared to the first group.

Figure 7.11: The percentage of respondents who know people living in the temporary shelter areas are refugees

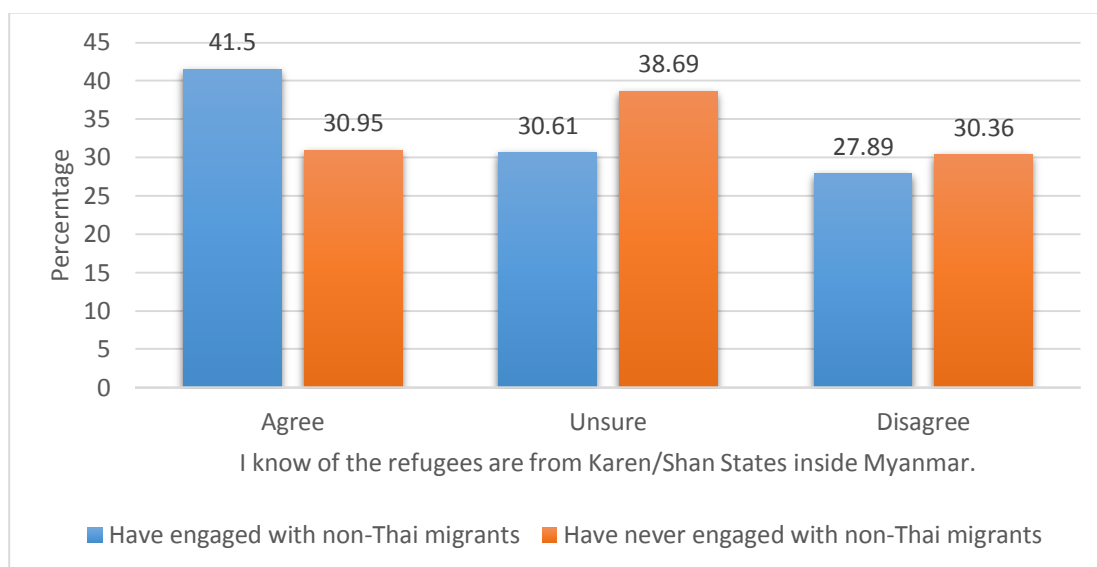


Source: Questionnaire survey between November 2014 and April 2015

These findings demonstrate that more than half of the respondents know that the temporary shelter areas exist and that there are refugees living inside the areas. However, a large percentage of respondents, who has never engaged with non-Thai migrants, is either unsure or disagrees with these statements.

Figure 7.12 shows that 41.50 per cent of the first group agrees that they know ‘refugees are from Karen/Shan States inside Myanmar’. About 30.61 per cent of this group is unsure, whilst about 27.89 per cent disagrees with the statement. On the other hand, about 38.69 per cent of the second group is unsure about the statement. Only one third of this group (30.95 per cent) knows that the ‘refugees are from Karen/Shan States inside Myanmar’. The rest, about 30.36 per cent, disagrees that they know ‘refugees are from Karen/Shan States inside Myanmar’.

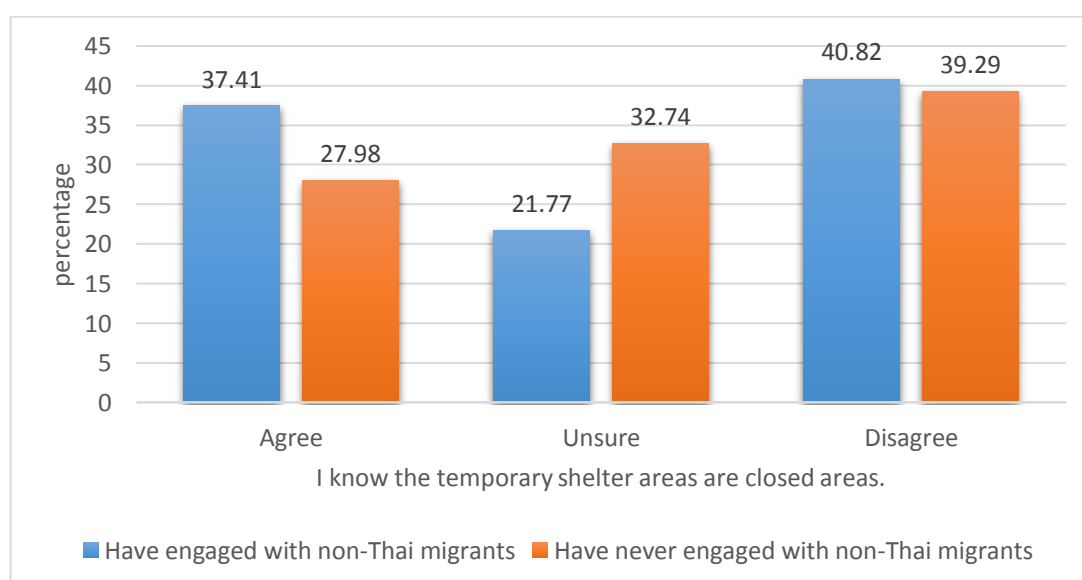
Figure 7.12: The percentage of respondents who know the refugees are from Karen/Shan States inside Myanmar



Source: Questionnaire survey between November 2014 and April 2015

Figure 7.13 shows that 40.82 per cent of the first group and 39.29 per cent of the second group disagree with the statement that ‘the temporary shelter areas are closed areas.’ However, more respondents of the first group (37.41 per cent), compared to those of the second group (27.98 per cent), agree with this statement.

Figure 7.13: The percentage of respondents who know that the temporary shelter areas are closed areas



Source: Questionnaire survey between November 2014 and April 2015

7.4.2. Discussion

According to the results, this section shows that knowledge of temporary shelter areas and refugees among Thai respondents is limited as slightly less than half of overall respondents agree that they ‘know of the existence of the temporary shelter areas along the border’ and ‘know people living in the temporary shelter are refugees.’ Moreover, about 36 per cent agrees that they ‘know the refugees are from Karen/Shan States inside Myanmar’. However, the majority (about 40 per cent) does not know that ‘the temporary shelter areas are closed areas’.

In terms of comparison between the two groups who have or have not engaged with non-Thai migrants, more respondents of the first group have obtained knowledge about temporary shelter areas and refugees, compared to the second group. Furthermore, more than half of the first group know of ‘the existence of the temporary shelter areas along the border’ (53.06 per cent) and that ‘people living in the temporary shelter areas are refugees’ (53.74 per cent). Less than half of the second group know about these issues. Likewise, the majority of the first group also knows that the refugees are from Karen/Shan States inside Myanmar, whilst only one third of the second group knows this information.

7.4.3. The Thai Respondents’ Interaction with Refugees

This section of the questionnaire involves the everyday life of Thai respondents interacting with non-Thai refugees and stateless people. The questions aimed to examine the Thai respondents’ awareness about contacting refugees and stateless people on a daily basis. The set of statements and overall results are in Table 7.4 below.

Table 7.4 shows that there is a considerable difference between respondents who disagree and those who agree with the first statement that ‘I know refugees in the temporary shelter areas are not allowed to go out’. About 38 per cent of overall respondents disagrees that refugees are not allowed to go out of the temporary shelter whilst 32.70 per cent agrees with it.

On the other hand, the majority (about 50.48 per cent) disagrees that they ‘know some refugees can go out of the temporary shelters’. Also, about 77.46 per cent disagrees that they have met and known refugees from the temporary shelters. One third of respondents

is unsure if they know ‘refugees in the temporary shelter are not allowed to go out’ and ‘some refugees can go out of the temporary shelters’.

However, the respondents know very clearly when they are asked whether they have ever met and known, or worked with refugees from the temporary shelter areas. When asked if they have met and known refugees inside the temporary shelters previously, the majority of respondents (77.46 per cent) disagrees. On the other hand, 7.94 per cent has met and known refugees from the temporary shelters. Finally, only 6.03 per cent agrees that they have ‘worked with refugees who lived in the temporary shelters’ whilst the majority (about 80 per cent) disagrees with this statement.

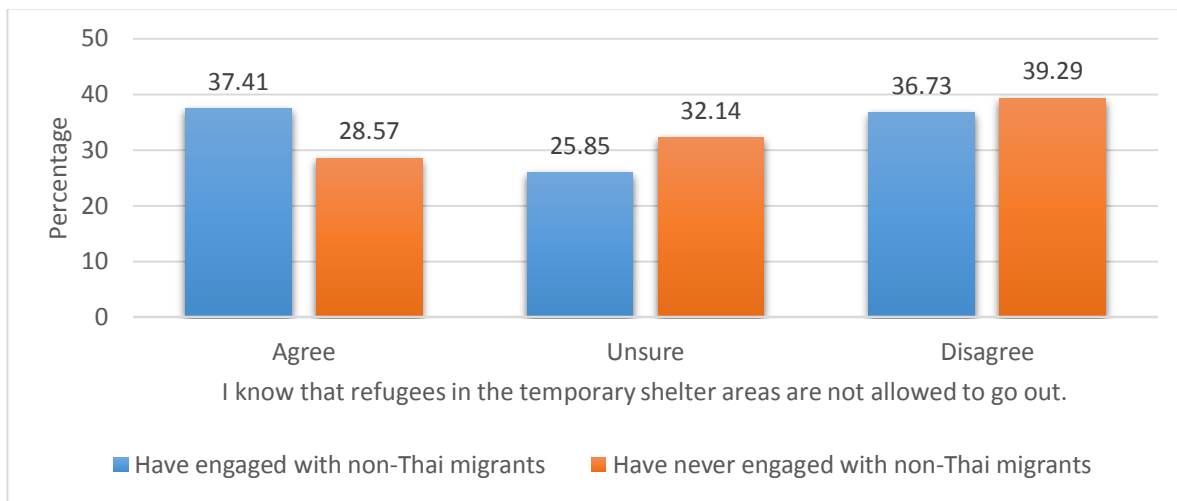
Table 7.4: Overall results of Thai respondents’ interaction with the refugees

Statements	Overall (%)		
	Agree	Unsure	Disagree
1. I know refugees in the temporary shelter areas are not allowed to go out.	32.70	29.21	38.10
2. I know some refugees can go out of the temporary shelter areas.	18.73	30.79	50.48
3. I have met and known refugees from the temporary shelter areas.	7.94	14.60	77.46
4. I have worked with refugees who lived in the temporary shelter areas.	6.03	13.97	80.00

Source: Questionnaire survey between November 2014 and April 2015

In terms of comparison, there are no significant differences between the two groups of respondents. Figure 7.14 shows the comparison result of the respondents who know that refugees in the temporary shelter areas are not allowed to go out. There is no significant difference between the respondents of the first group who agree (37.41 per cent) and those who disagree (36.73 per cent) with the statement ‘I know refugees in the temporary shelter areas are not allowed to go out’. On the other hand, 39.29 per cent of the second group, who have never engaged with non-Thai migrants, disagrees that they ‘know that refugees in the temporary shelter areas are not allowed to go out’.

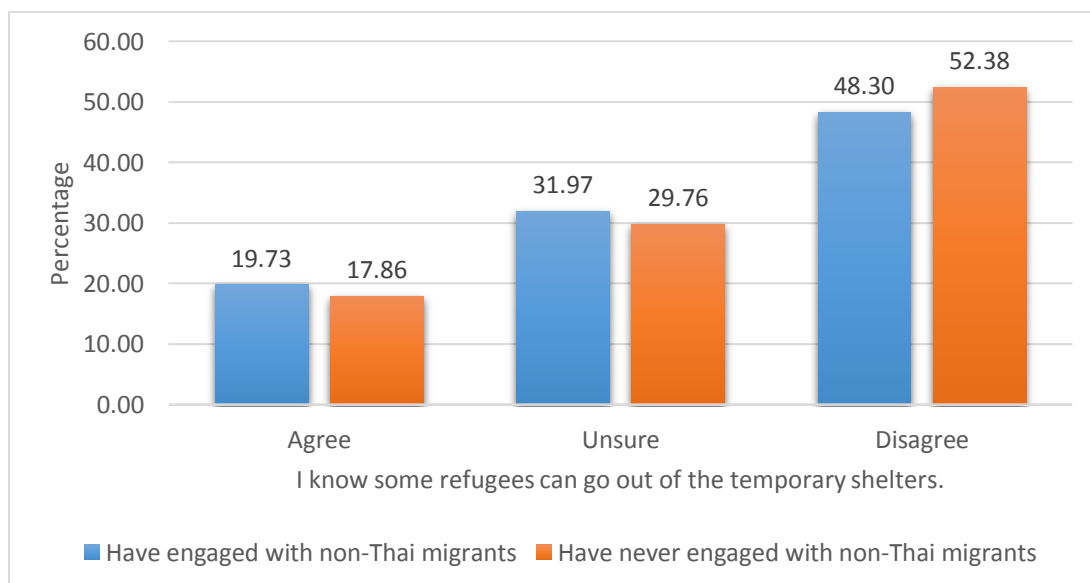
Figure 7.14: The comparison result of the respondents who know that refugees in the temporary shelter areas are not allowed to go out



Source: Questionnaire survey between November 2014 and April 2015

Figure 7.15 also shows no significant difference between the two groups who know that some refugees can go out of the temporary shelters. The majority of both groups (48.30 per cent of the first group, and 52.38 per cent of the second group) does not agree that they know 'some refugees can go out of the temporary shelters'. However, more respondents of the first group, 19.73 per cent, agree with this statement than do respondents of the second group, 17.86 per cent.

Figure 7.15: The comparison result of the respondents who know that some refugees can go out of the temporary shelter areas



Source: Questionnaire survey between November 2014 and April 2015

Table 7.5 below focuses on the first group of respondents who have engaged with non-Thai migrants previously. The majority, about 76.19 per cent, disagrees that they have met any refugees from the temporary shelter areas. On the other hand, about 10.88 per cent believes that they have met refugees from the temporary shelter areas. Moreover, the majority, about 76.19 per cent, has never worked with refugees who live in the temporary shelter areas. Only 8.16 per cent has worked with refugees who live in the temporary shelter areas.

Table 7.5: Respondents who have engaged with non-Thai migrants

Statements	Respondents who have engaged with non-Thai migrants (%)		
	Agree	Unsure	Disagree
1. I have met and known refugees from the temporary shelter areas.	10.88	12.93	76.19
2. I have worked with refugees who lived in the temporary shelter areas.	8.16	15.65	76.19

Source: Questionnaire survey between November 2014 and April 2015

7.4.4. Discussion

This section shows the results of Thai respondents' interactions with refugees. The overall results show that about 38 per cent of respondents does not know that refugees are not allowed to go out of the temporary shelter, whilst about 32 per cent does know about this. On the other hand, the majority does not know that some refugees can go out of the temporary shelter areas. It is very clear that the majority does not know about the living conditions of refugees in the temporary shelter areas. Finally, about 77 per cent has never met or known refugees from the temporary shelter areas.

Comparing the two groups of respondents who have and have not engaged with non-Thai migrants, it is clear that there are no significant differences between the two groups of respondents in terms of their knowledge about refugees in the temporary shelter areas. However, a slightly greater percentage of respondents of the first group has interacted with refugees than the second group.

Focusing on the first group who have engaged with non-Thai migrants previously, the data show that the majority, about 76.19 per cent, has never met or known refugees from the temporary shelters. Only 8.16 per cent has worked with refugees who lived in the temporary shelter areas previously. This is because few Myanmar refugees from the temporary shelter areas are able to work outside the camps, due to many difficulties such as transportation, lack of travel approval document and financial problems, which limit interaction.

Due to interaction with non-Thai migrants, the respondents of the first group have obtained more knowledge about the temporary shelter areas and the refugees. The results show that more respondents of the first group know about the living conditions of the refugees than do respondents of the second group. However, the majority of both groups has never met, known or worked with the refugees. Although the first group has engaged with non-Thai migrants, their engagement does not reflect their familiarity with the refugees from the temporary shelter areas, as the majority has never met, known or worked with the refugees. It is also interesting to see that about 8.16 per cent of the first group of respondents has worked with refugees, although in principle the refugees are not allowed to travel or work outside the refugee camps.

7.5. The Thai Respondents' Opinions on Border Security

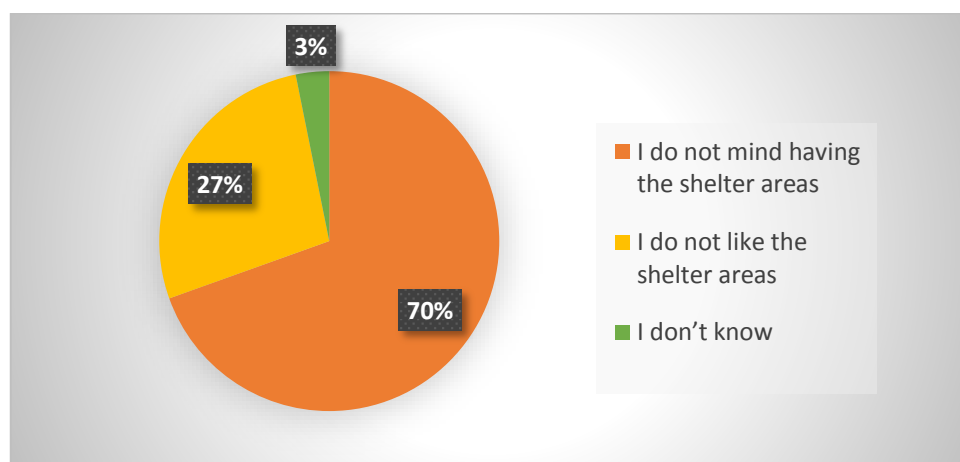
In the third section, the questionnaire explores respondents' opinions on Thailand's border security as a part of Thailand's national security concerns. It covers the respondents' opinions on four different aspects. These are 1) the temporary shelter areas; 2) the refugees; 3) effects on Thailand; and 4) border problems. The questionnaire results are presented below.

7.5.1. The Temporary Shelter Areas

When the questionnaire asks 'what do you think about the temporary shelter areas along the border', overall respondents do not reject the existence of the temporary shelter areas along the Thailand–Myanmar border. Figure 7.16 shows that the majority (70 per cent) does not mind having the temporary shelter areas along the border. In contrast, about 27 per cent does not like having the temporary shelter areas. Finally, about 3 per cent does not know about the temporary shelter areas. Their opinions are different; for instance they

suggest that the areas must be under international law, and the government should prioritise national security.

Figure 7.16: Respondents' opinions about the temporary shelter areas along the border

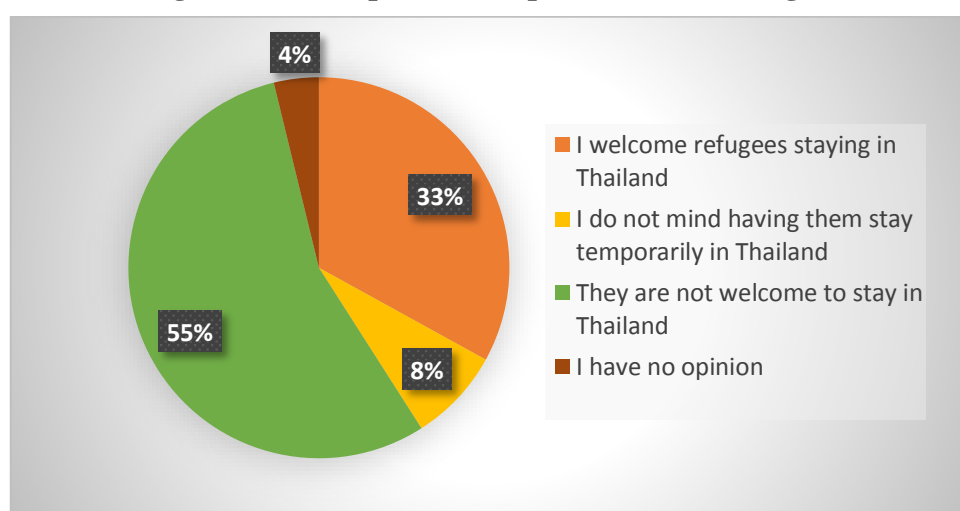


Source: Questionnaire survey between November 2014 and April 2015

7.5.2. The Refugees

Figure 7.17 shows that slightly more than half of the respondents (55 per cent) does not welcome the refugees residing along the Thailand–Myanmar border. In contrast, about 33 per cent welcomes refugees staying in Thailand. A very small percentage (about 8 per cent) does not mind having them stay temporarily in Thailand. The remainder, about 4 per cent, does not have an opinion about this.

Figure 7.17: Respondents' opinions on the refugees

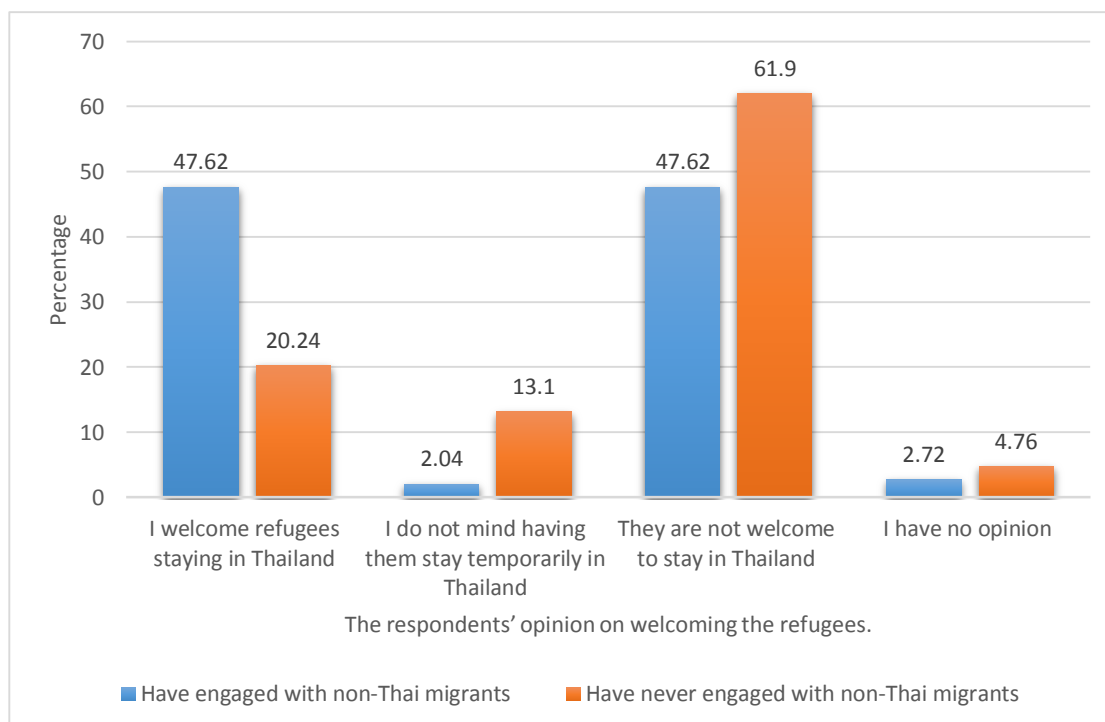


Source: Questionnaire survey between November 2014 and April 2015

In terms of comparison, Figure 7.18 shows the differences between the two groups of respondents who have and have not engaged with non-Thai migrants. More respondents of the first group welcome refugees staying in Thailand. Within the first group of respondents, however, it is interesting to see an equal percentage between respondents who welcome the refugees and those who do not welcome the refugees (47.62 per cent each). This is because respondents may have different experiences with non-Thai migrants. Therefore, their answers are diverse.

In contrast, the majority (61.90 per cent) of the second group, who has never engaged with non-Thai migrants previously, does not welcome refugees staying in Thailand. This also reflects Sunpuwan and Niyomsilpa's research that Thai media, such as television, newspapers and social media, plays an important role in reporting negative perceptions toward refugees and non-Thai migrants (Sunpuwan and Niyomsilpa 2014, p.43). Only 20.24 per cent of those who do not have any direct experience with non-Thai citizens welcomes the refugees.

Figure 7.18: The comparison of the respondents' opinions on welcoming the refugees

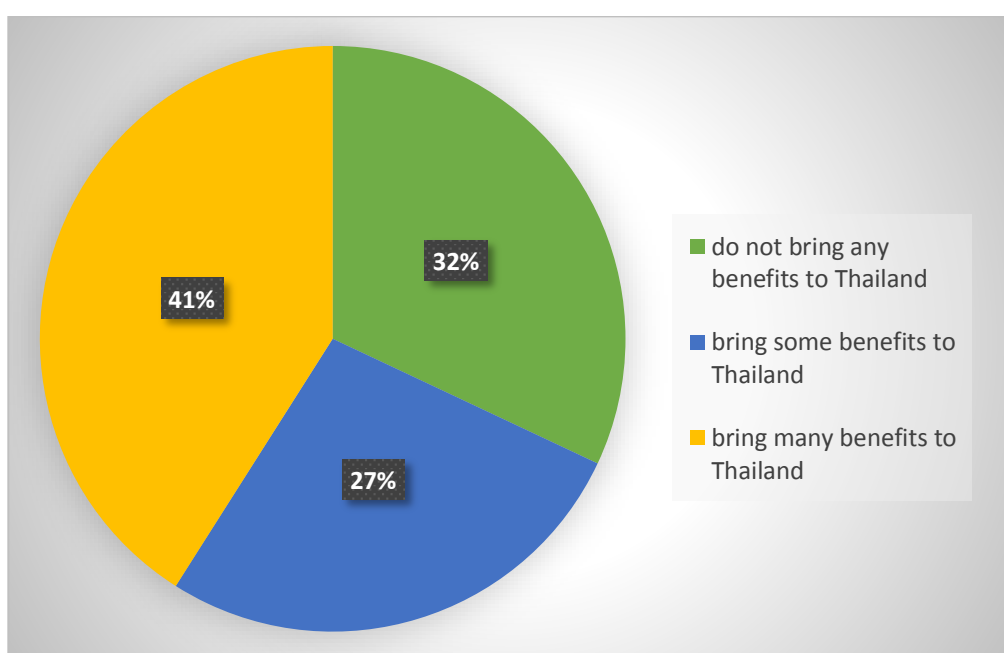


Source: Questionnaire survey between November 2014 and April 2015

7.5.3. Benefits to Thailand

This section asks the respondents about their opinion concerning the temporary shelter areas and whether refugees bring benefits to Thailand. Figure 7.19 below shows that about 41 per cent thinks that refugees in the temporary shelter areas bring many benefits to Thailand. Moreover, about 27 per cent thinks that some benefits come from the temporary shelter areas and refugees. In contrast, 32 per cent thinks that the temporary shelter areas and refugees do not bring any benefits to Thai society.

Figure 7.19: The respondents' opinions on whether the temporary shelter areas and refugees benefit Thailand

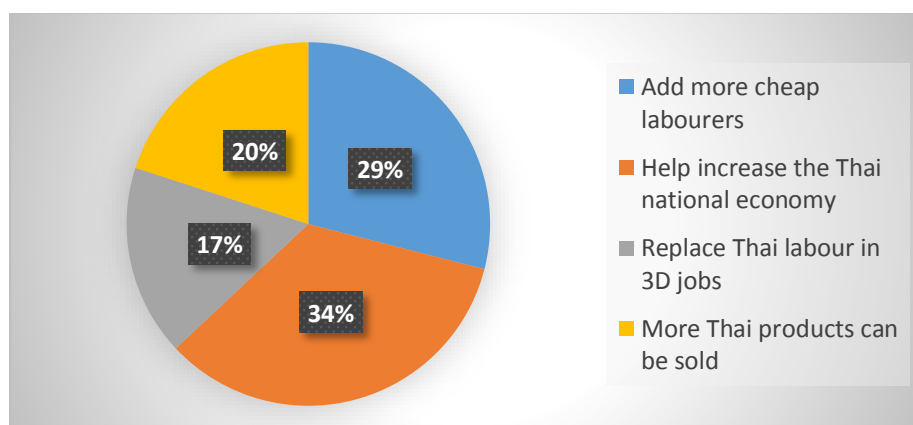


Source: Questionnaire survey between November 2014 and April 2015

Focusing on the benefits to Thailand, Figure 7.20 shows that about 34 per cent of overall respondents believes refugees help increase the Thai national economy. About 29 per cent thinks that Thailand has benefited from the cheap labour contributed by the refugees. About 20 per cent thinks more Thai products can be sold and 17 per cent believes that refugees help replace labour in 3D jobs.⁶⁴

⁶⁴ 3D jobs are dirty, dangerous and difficult jobs that have been ignored by Thai citizens in general. These jobs, including seafood processing, manufacturing, service industries and domestic employment, usually require hard work, but generate low income. Therefore, these jobs always attract non-Thai migrant workers (Huguet, Chamrathirong and Claudia 2012; Sunpuwan and Niyomsilpa 2012).

Figure 7.20: The respondents' opinions about benefits to Thailand from the temporary shelter areas and refugees

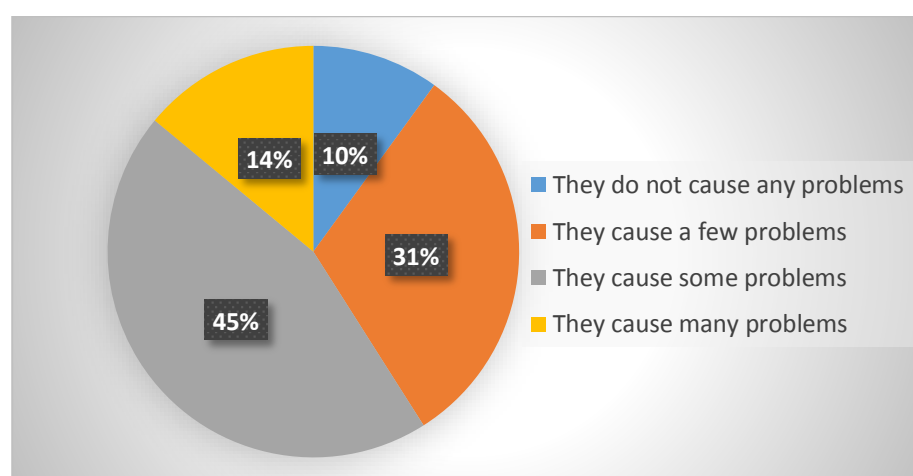


Source: Questionnaire survey between November 2014 and April 2015

7.5.4. Border Problems

This section asks the respondents about their opinions concerning whether the temporary shelter areas cause any problems to Thailand. Figure 7.21 shows that the majority of overall respondents, 90 per cent, believes that the temporary shelter areas and refugees cause problems to Thailand. Almost half of the respondents, about 45 per cent, thinks they cause some problems. About 31 per cent thinks that they cause only a few problems. About 14 per cent believes that the temporary shelter areas and refugees cause many problems. In contrast, only 10 per cent thinks temporary shelter areas and refugees do not cause any problems.

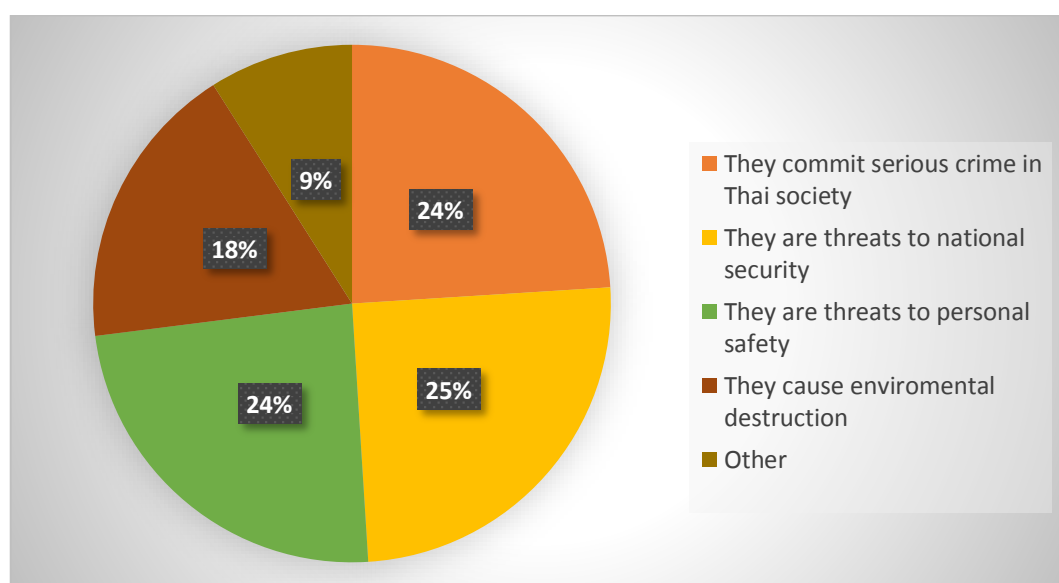
Figure 7.21: The respondents' opinions on temporary shelter areas and refugees causing problems to Thailand



Source: Questionnaire survey between November 2014 and April 2015

To identify the problems caused by the temporary shelter areas and refugees along the border, Figure 7.22 shows that 25 per cent believes that the temporary shelter areas and refugees are threats to national security. About 24 per cent believes that refugees commit serious crimes in Thai society, whilst another 24 per cent thinks that refugees pose threats to personal safety. Environmental problems concern 18 per cent. Finally, about 9 per cent is concerned about other problems such as financial support and international relations with Myanmar.

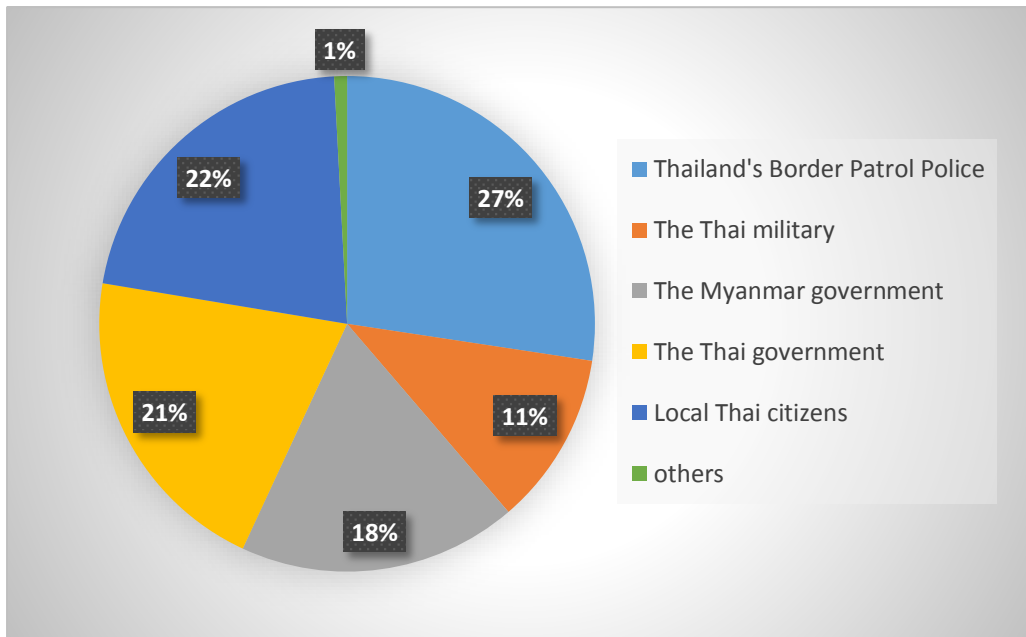
Figure 7.22: The respondents' opinions on problems caused by the temporary shelter areas and refugees along the border



Source: Questionnaire survey between November 2014 and April 2015

The respondents were asked to identify who should be responsible for the border problems. Figure 7.23 shows that 27 per cent thinks that the border problems should be solved by Thailand's border police. About 22 per cent wants local Thai citizens to help solve the border problems. About 21 per cent believes that the Thai government should deal with the border problems. About 18 per cent believes that the Myanmar government should take some responsibility to solve the border problems. About 11 per cent prefers to have the Thai military take action. Lastly, only 1 per cent thinks of other options.

Figure 7.23: The respondents' opinions on who should solve the border problems



Source: Questionnaire survey between November 2014 and April 2015

7.5.5. Discussion

In terms of border security, the majority of overall respondents, about 54 per cent, does not mind having the temporary shelter areas along the border, because about 68 per cent believes that the temporary shelter areas and refugees bring benefits to Thai society. These benefits include increasing the national economy (34 per cent), refugees adding more cheap labourers to the Thai labour market (29 per cent), replacing labourers in 3D jobs (17 per cent), and selling more products to them (20 per cent).

On the other hand, about 55 per cent, do not welcome refugees staying in Thailand. They believe that the temporary shelter areas and refugees do not bring any benefit to Thailand. Particularly about 61.90 per cent of respondents, who have never engaged with non-Thai migrants, do not welcome refugees. This may be because Thai media portray negative perceptions about refugees and non-Thai migrants.

Concerning border problems, the majority, about 90 per cent, believes that the temporary shelter areas and refugees cause at least one problem to Thailand. Therefore, the Thai government agencies are mentioned as being responsible for the border problems, especially Thailand's border police.

7.6. The Thai Respondents' Knowledge of Stateless Youth in Thailand

7.6.1. Knowledge of the Stateless Situation in Thailand

Section four of the questionnaire asks the respondents about their knowledge of the situation of stateless youth in Thailand. Table 7.6 below shows that more than half of overall respondents, about 55 per cent, know that 'there are youth who were born to non-Thai migrants in the temporary shelter areas'. However, about 38 per cent knows that 'the youth do not have Myanmar citizenship', and about 40 per cent knows that the youth also do not have Thai citizenship.

In terms of accessing public facilities, about 44 per cent knows that these youth are unable to attend Thailand's public schools. About 40 per cent knows that stateless youth are unable to use public health care services in Thailand, and do not have health care insurance, so they have to pay for their own health maintenance.

Moreover, regarding the ability to move and to stay, about 42 per cent of respondents does not know that without citizenship, these stateless youth cannot move to Myanmar. In contrast, about 40 per cent knows that the youth are restricted from travelling freely in Thailand. Finally, one third knows that the youth cannot go out of Thailand legally.

Table 7.6: Overall results of the respondents' knowledge about stateless youth in Thailand

Statements	Overall (%)		
	Agree	Unsure	Disagree
1. I know there are youth who were born to non-Thai migrants in the temporary shelter areas.	55.56	21.59	21.90
2. I know the youth do not have Myanmar citizenship.	37.78	27.30	33.65
3. I know the youth do not have Thai citizenship.	40.63	26.03	32.70
4. I know the youth are unable to attend Thailand's public schools.	44.76	26.67	26.98

Statements	Overall (%)		
	Agree	Unsure	Disagree
5. I know the youth are unable to use public health care services in Thailand.	40.00	26.03	32.38
6. I know the youth do not have health care insurance so they have to pay for their own health maintenance.	39.37	28.25	31.11
7. I know the youth are unable to move to Myanmar without citizenship papers.	27.30	29.84	41.59
8. I know the youth are unable to move around Thailand freely.	40.00	29.84	28.25
9. I know the youth cannot go out of Thailand legally.	34.60	27.62	35.87

Source: Questionnaire survey between November 2014 and April 2015

Table 7.7 shows the comparison between the two groups of respondents who have or have never engaged with non-Thai migrants. More than half of both groups, about 59 per cent of the first group and 52 per cent of the second group, know about ‘youth who were born to non-Thai migrants in the temporary shelter areas’. However, concerning citizenship, more of the first group, about 45 per cent, know that the youth do not have Myanmar or Thai citizenship. In contrast, about one third of the second group know this.

In terms of accessing public facilities, the results from both groups are similar. About 44 per cent of each group knows that the stateless youth are unable to attend Thailand’s public schools. About 40 per cent of the first group and 28 per cent of the second group know that the youth are unable use public health care services and are not covered by health insurance, so the stateless youth have to pay for their own health maintenance.

For the ability to move or to stay, more than one third of both groups, about 39 per cent of the first group and about 44 per cent of the second group, do not know the youth are unable to move to Myanmar without citizenship papers. However, more than one third of both groups know about the restrictions on the stateless youth travelling freely in and out of Thailand.

Table 7.7: Comparison of the results of respondents' knowledge about stateless youth in Thailand

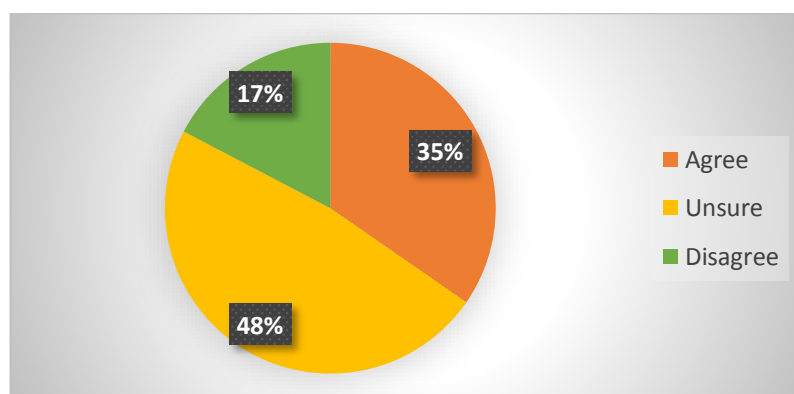
Statements	Have engaged with non-Thai citizens (%)			Have never engaged with non-Thai citizens (%)		
	Agree	Unsure	Disagree	Agree	Unsure	Disagree
1. I know there are youth who are born to non-Thai migrants in the temporary shelter areas.	59.18	21.09	19.73	52.38	22.02	23.81
2. I know the youth do not have Myanmar citizenship.	44.22	27.89	27.89	32.14	26.79	38.69
3. I know the youth do not have Thai citizenship.	45.58	24.49	30.61	36.31	27.38	34.52
4. I know the youth are unable to attend Thailand's public schools.	44.90	27.89	27.21	44.64	25.60	26.79
5. I know the youth are unable to use public health care services in Thailand.	41.50	27.89	30.61	38.69	24.40	33.93
6. I know the youth do not have social insurance so they have to pay for their own health maintenance.	41.50	27.21	31.29	37.50	29.17	30.95
7. I know the youth are unable to move to Myanmar without any citizenship papers.	28.57	32.65	38.78	26.19	27.38	44.05
8. I know the youth are unable to move around Thailand freely.	40.82	34.01	25.17	39.29	26.19	30.95
9. I know the youth cannot go out of Thailand legally.	36.73	32.65	31.97	32.74	23.21	39.29

Source: Questionnaire survey between November 2014 and April 2015

7.6.2. Effects on Thai Society

On the issue of stateless youth having effects on Thai society, Figure 7.24 shows that about 48 per cent of overall respondents is unsure if stateless youth bring some benefits to Thai society. About 35 per cent agrees that the stateless youth bring some benefits to Thai society. In contrast, only about 17 per cent disagrees that stateless youth bring benefits to Thai society

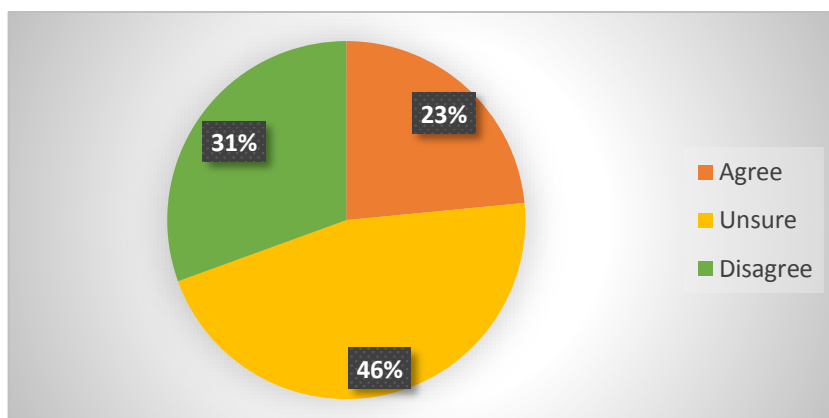
Figure 7.24: Respondents' opinions on stateless youth bringing benefits to Thai society



Source: Questionnaire survey between November 2014 and April 2015

On the other hand, Figure 7.25 shows that 46 per cent of overall respondents are unsure about whether the stateless youth cause problems in Thai society. About 31 per cent disagrees, whilst 23 per cent agrees that stateless youth cause some problems to Thai society.

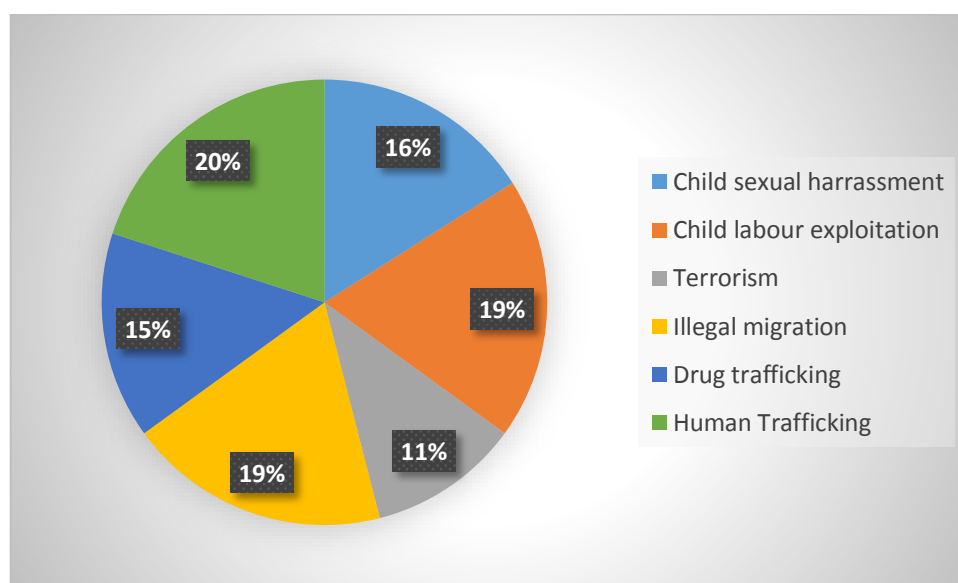
Figure 7.25: Respondents' opinions on whether stateless youth cause problems in Thai society



Source: Questionnaire survey between November 2014 and April 2015

According to Figure 7.26 below, the respondents' opinions reveal that 20 per cent associate the stateless youth with the problem of human trafficking. About 19 per cent is concerned about child labour exploitation, and another 19 per cent is concerned about illegal migration. Problems of child sexual harassment and drug trafficking concern 16 per cent and 15 per cent of respondents, respectively. Lastly 11 per cent is concerned about terrorism.

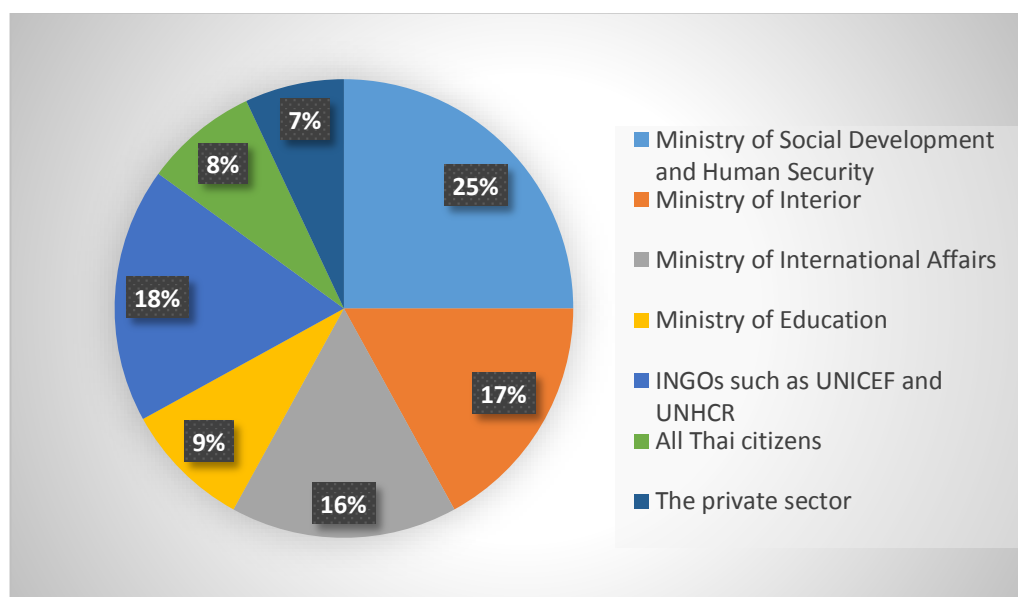
Figure 7.26: The overall percentage of problems the respondents think stateless youth bring to Thai society



Source: Questionnaire survey between November 2014 and April 2015

Furthermore, Figure 7.27 shows that about 67 per cent believes that solving the problems of stateless youth is the responsibility of the Thai government agencies, especially the Ministry of Social Development and Human Security (25 per cent), the Ministry of Interior (17 per cent), the Ministry of International Affairs (16 per cent), and the Ministry of Education (9 per cent). About 18 per cent thinks that INGOs such as UNICEF and UNHCR should take care of the stateless youth. Finally, the remainder think that the stateless youth should be taken care of by all Thai citizens (8 per cent) and the private sector (7 per cent), respectively.

Figure 7.27: Respondents' opinions regarding who is responsible for stateless youth



Source: Questionnaire survey between November 2014 and April 2015

7.6.3. Discussion

The section on the Thai respondents' knowledge of stateless youth in Thailand reveals that more than half of overall respondents know that there are youth who have been born to non-Thai migrants in the temporary shelter areas, but only one third knows that the youth do not have Myanmar citizenship, and about 40 per cent knows that the youth also do not have Thai citizenship. In terms of comparison, slightly more respondents of the first group know about these issues than those in the second group.

In terms of accessing public facilities, less than half, about 40 per cent, knows that these youth are unable to attend Thailand's public schools, use public health care services in Thailand, and do not have health care insurance, so that they have to pay for their own health maintenance. In contrast, roughly about one third does not know about these issues. The rest is unsure. There are no differences between the two groups of respondents on this aspect.

Concerning the ability to move and to stay, about 42 per cent of the respondents does not know that these youth cannot move to Myanmar because they are stateless. In contrast, about 40 per cent knows that the youth are restricted from traveling freely in Thailand. Finally, one third knows that the youth cannot legally go out of Thailand. In terms of

comparison, there are no differences between the two groups of respondents. More than one third of both groups does not know that without any citizenship the youth are unable to return to Myanmar, but another one third of both groups knows that these stateless youth are restricted from traveling in and out of the country.

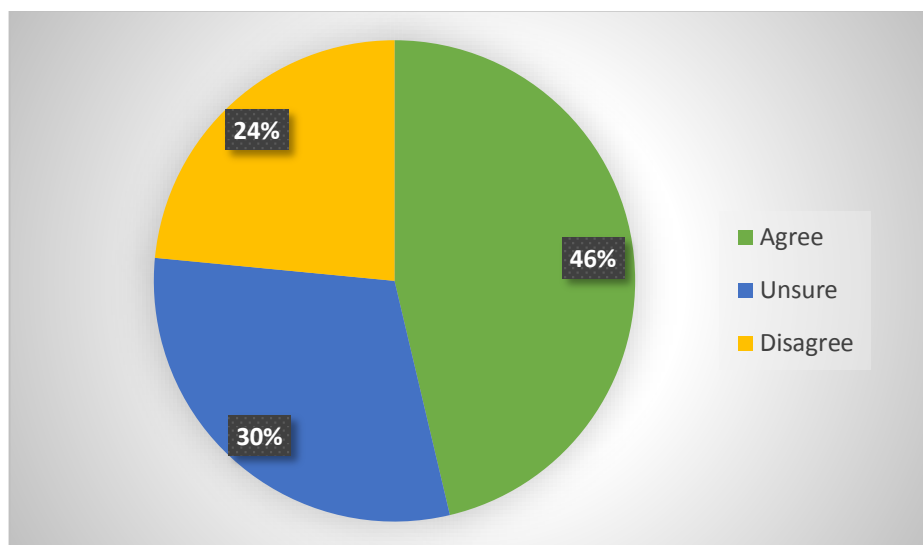
Furthermore, about 48 per cent of the respondents is unsure what benefit the stateless youth bring to Thai society. About 35 per cent agrees that the stateless youth bring some benefits to Thai society. In terms of causing problems, about 46 per cent of the respondents is unsure whether the stateless youth bring problems to Thai society, but 23 per cent agrees that they do. The problems caused by the stateless youth involve human trafficking, child labour exploitation, illegal migration, child sexual harassment and drugs trafficking.

In addition, about 57 per cent of the Thai respondents believes that solving the problem of stateless youth is the responsibility of Thailand's government agencies, especially the Ministry of Social Development and Human Security (24 per cent), and the Ministry of Interior (17 per cent) should be involved in dealing with the Myanmar government to discuss how to solve this problem.

7.7. Granting Thai Citizenship to Stateless Youth in Thailand

This final section focuses on granting Thai citizenship to the stateless youth in Thailand. The first question asks the respondents' view on 'granting Thai citizenship to stateless youth to help them have better lives'. In Figure 7.28, around 46 per cent of overall respondents considers that granting Thai citizenship to stateless youth would help them to have better lives. About 30 per cent is unsure about the situation. On the other hand, about 24 per cent does not agree that having Thai citizenship will help stateless youth to have better lives.

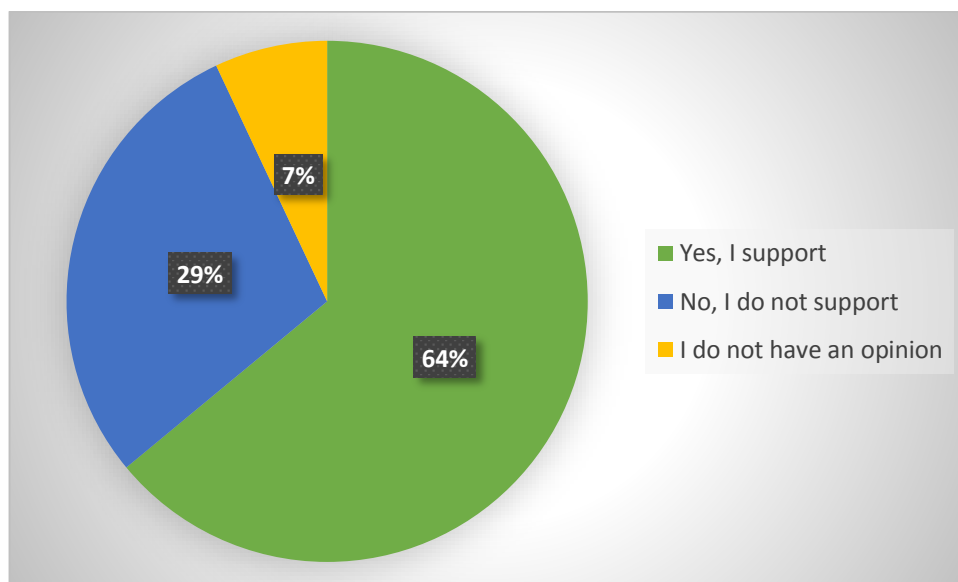
Figure 7.28: Respondents' opinions whether Thai citizenship will help stateless youth have better lives



Source: Questionnaire survey between November 2014 and April 2015

The overall survey result shown in Figure 7.29 reveals that the majority, about 64 per cent supports the stateless youth being granted Thai citizenship. In contrast, about 29 per cent does not support stateless youth being granted Thai citizenship. About 7 per cent does not have any opinion about this proposal.

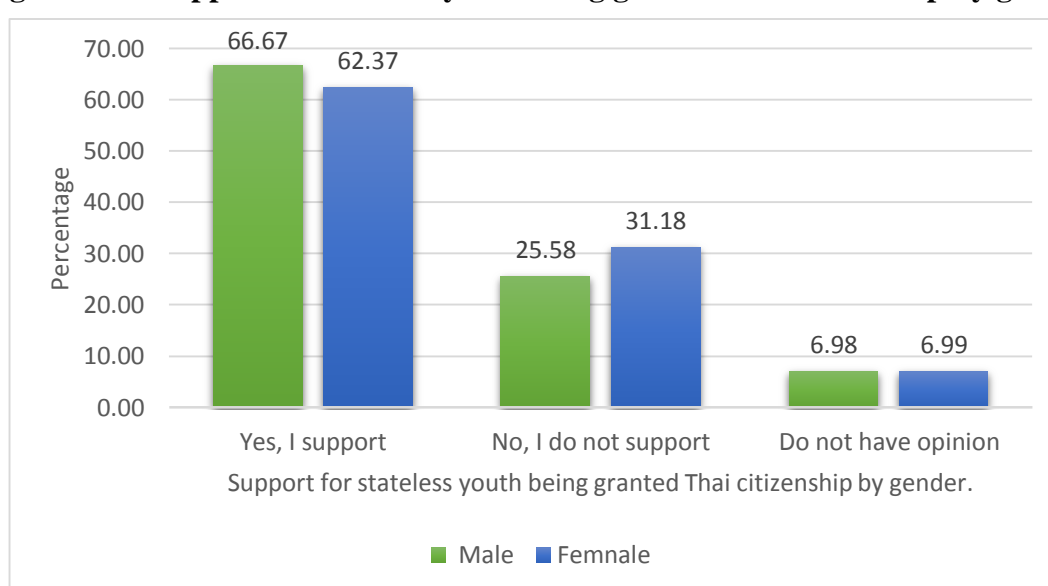
Figure 7.29: Support for stateless youth being granted Thai citizenship



Source: Questionnaire survey between November 2014 and April 2015

In terms of gender, Figure 7.30 shows that there are similarities and differences between male and female respondents in terms of whether they support stateless youth being granted Thai citizenship. A greater percentage of male respondents (66.67 per cent) supports stateless youth being granted Thai citizenship than do female respondents (62.37). In contrast, more female respondents (31.18 per cent) do not support stateless youth than male respondents (25.58 per cent). Lastly, about 7 per cent of male and female respondents do not have an opinion about this aspect. These results correlate well with those presented in Figure 7.8.

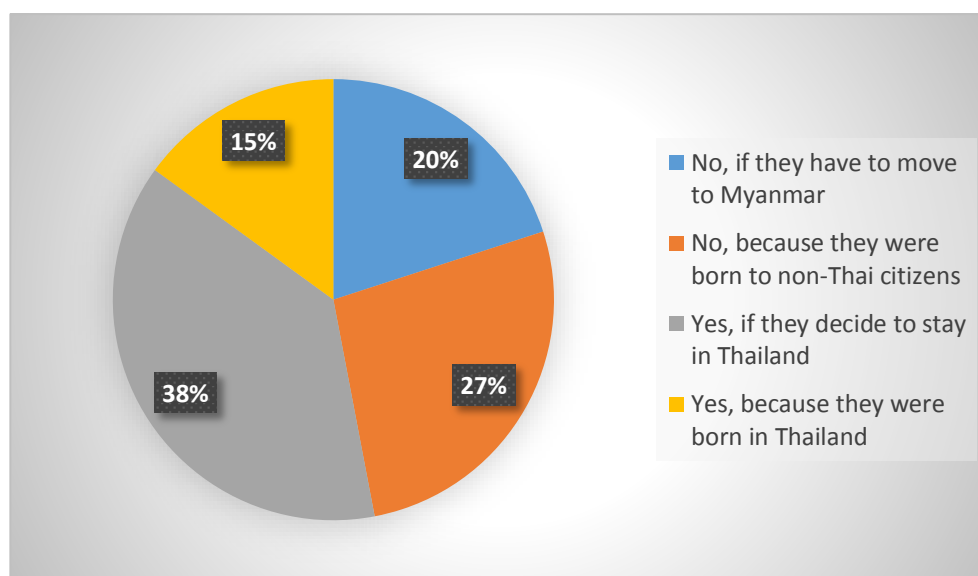
Figure 7.30: Support for stateless youth being granted Thai citizenship by gender



Source: Questionnaire survey between November 2014 and April 2015

When asked about how the stateless youth should be granted Thai citizenship, the survey result shown in Figure 7.31 reveals that the respondents believe that Thai citizenship should be granted mainly by choice, depending on whether stateless youth choose to stay in Thailand, or return to Myanmar. The overall result shows that about 38 per cent of respondents think that the stateless youth should be granted Thai citizenship, if they wish to stay in Thailand. About 27 per cent believes that they should not be granted Thai citizenship, because they were born to non-Thai migrants. About 20 per cent believes that stateless youth who decide to move to Myanmar with their parents should not be granted Thai citizenship. Finally, about 15 per cent support the stateless youth being granted Thai citizenship, because of the *jus soli* principle, as they were born in the territory of Thailand.

Figure 7.31: How stateless youth should be granted Thai citizenship



Source: Questionnaire survey between November 2014 and April 2015

7.7.1. The Reasons for Supporting or Not Supporting Stateless Youth Being Granted Thai Citizenship

This section of the survey was designed for respondents to write a short answer to respond to the question ‘Why do you support or not support the Thai state giving stateless youth born in Thailand the legal status of Thai citizenship?’ The answers can be categorised into two groups. The first group is comprised of respondents who support the stateless youth being granted Thai citizenship since they were born and have stayed in Thailand for more than 5 years, 7 years or 10 years. The second group is comprised of respondents who do not support the stateless youth being granted Thai citizenship.

Table 7.8: Thai respondents' opinions about granting Thai citizenship to stateless youth

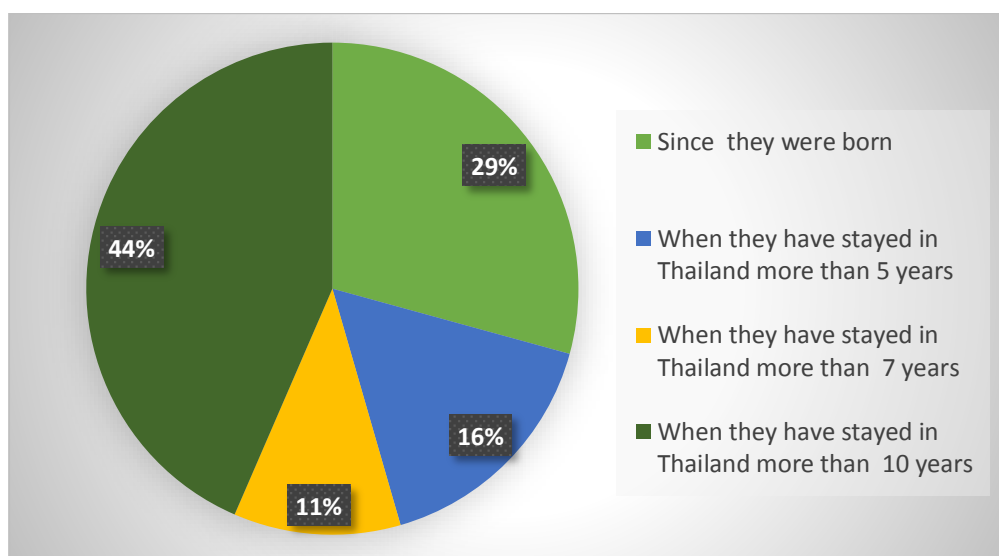
Proposal	Percentage
1. Reasons to support	64.10
1) Morality reason	9.55
2) The <i>jus soli</i> principle	9.24
3) Basic human rights	9.24
4) Human security reason	8.92
5) Individual safety reason	8.60
6) Economic reason	4.14
7) Child protection by law	2.55
2. Reasons not to support	28.85
1) The <i>jus sanguinis</i> principle	8.92
2) The lack of national resources	6.37
3) National security reason	4.78
4) Overpopulation in Thailand	1.91
5) Immigration problem	1.59
3. Do not have an opinion	7.05
Total	100

Source: Questionnaire survey between November 2014 and April 2015

7.7.2. Reasons Given by Those Who Support

According to Figure 7.29, the majority of overall respondents, about 64 per cent, supports the stateless youth being granted Thai citizenship. Moreover, Figure 7.32 shows the Thai respondents' opinions among those who support the stateless youth being granted citizenship. About 44 per cent thinks that the stateless youth should be granted Thai citizenship after staying in Thailand more than 10 years. The second group, 29 per cent, believes that the stateless youth should be granted Thai citizenship since birth. About 16 per cent thinks the stateless youth should be granted Thai citizenship after they have stayed in Thailand for 7 years. A small number, about 11 per cent, supports the statement when the stateless youth have stayed in Thailand more than 5 years.

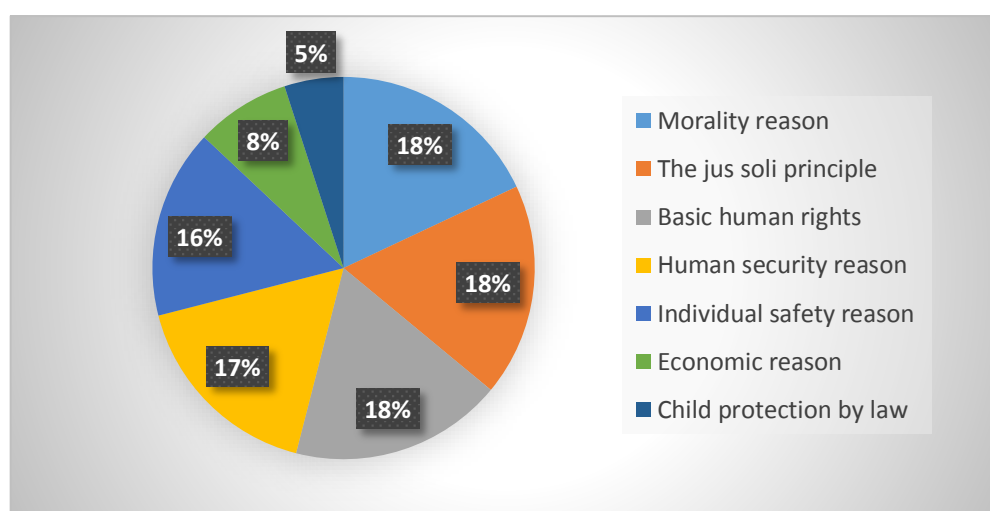
Figure 7.32: The respondents' opinions on when the stateless youth should be granted Thai citizenship



Source: Questionnaire survey between November 2014 and April 2015

Reasons behind the respondents' decisions are shown in Figure 7.33. There are seven different reasons, which are 1) morality reason (about 18 per cent); 2) the *jus soli* principle (about 18 per cent); 3) basic human rights (about 18 per cent); 4) human security (about 17 per cent); 5) individual safety reason (about 16 per cent); 6) economic reason (about 8 per cent); and 7) child protection by law (about 5 per cent).

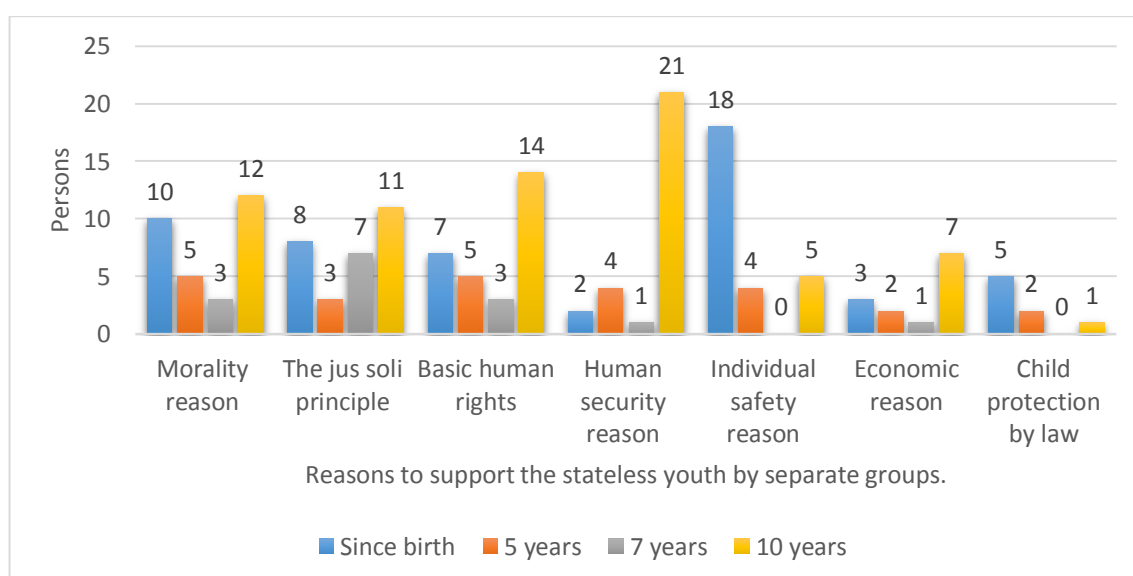
Figure 7.33: Reasons to support the stateless youth



Source: Questionnaire survey between November 2014 and April 2015

Figure 7.34 shows that morality and national security reasons were given the most support among those who agree to grant Thai citizenship to stateless youth after they have stayed in Thailand more than 10 years or since their birth. On the other hand, the basic human rights and human security reason were most often mentioned among those who support stateless youth who have spent more than 10 years in Thailand. The *jus soli* principle was the most frequent reason given among those who want to give Thai citizenship to stateless youth from the time after they have stayed in Thailand for 10 years and because they were born in Thailand.

Figure 7.34: Reasons to support the stateless youth by separate groups



Source: Questionnaire survey between November 2014 and April 2015

(1) The Morality Reason

The morality reason is the most frequently mentioned by about 18 per cent of overall respondents who support the stateless youth gaining Thai citizenship. However, when the group of supporters is separately identified, it can be seen that 39 per cent of respondents who support stateless youth staying in Thailand after more than 10 years gave this reason the most often.

Many respondents mentioned the word ‘feeling pity for’ as the reason to support the stateless youth. Moreover, the word ‘humanity’ is often articulated. Some respondents state that ‘everybody, no matter where they are born, they are all human’ (survey 213, 2015) and ‘in terms of humanity, I understand and feel pity for them’ (survey 163, 2014)

(2) The *Jus Soli* Principle Reason

The second reason is the *jus soli* principle which was mentioned by about 18 per cent of the supporters. This reason is mentioned by the majority of respondents who support stateless youth receiving Thai citizenship at birth (69 per cent). The respondents believe that ‘the stateless youth should become any countries’ citizens, no matter where they are born’ (paper survey 035, 2014) and ‘everyone who was born in Thailand, should be a Thai citizen’ (paper survey 061, 2014).

Respondents in this group ignore the ethnic differences. One opinion wrote that ‘everyone, no matter their ethnicity, if they are born in the territory of Thailand, they should have Thai citizenship and citizenship rights, the same as other Thai citizens’. Moreover, the respondents believe that being stateless is not the youth’s fault, ‘because they cannot choose where to be born’ (paper survey 29, 2014). Therefore, ‘they should be Thai citizens because they are born here’ (paper survey 301, 2015).

(3) The Basic Human Rights Reason

The basic human rights reason is mentioned by about 18 per cent of respondents who support the stateless youth, especially 30 per cent of those who support stateless youth staying in Thailand after more than 10 years. Also about 28 per cent of respondents who support stateless youth since birth gave this as a reason why the stateless youth should have Thai citizenship.

Many responses mention ‘human rights’ as the reason to support the stateless youth. Moreover, the words ‘rights,’ ‘basic rights,’ and ‘human rights’ are often mentioned. Some responses state that ‘I support them having Thai citizenship because it is a basic right that the government should give to this group of youth’ (paper survey 037, 2014) and ‘according to human rights, everyone should be treated equally’ (paper survey 028, 2014) and ...

When we were born, we have citizenship, as it is a basic human right. Without citizenship, a person cannot access the rights they should have, and that brings a lot of problems (paper survey 014, 2014).

(4) The Human Security Reason

Human security is the fourth type mentioned by about 17 per cent of supporting respondents. The human security reason involves public services provided by the government, such as education, health care service and the right of movement, including the ability to access them. This reason accounts for 48 per cent of respondents who support stateless youth staying in Thailand after more than 10 years. In addition, this reason is given by about 24 per cent of respondents who support stateless youth since birth.

Many responses refer to ‘their opportunity to access’ ‘public services’ and ‘improving their quality of life’. Moreover, respondents believe that holding Thai citizenship will help the stateless youth be able to access public facilities and services, especially basic education. One respondent states that he supports the stateless youth after they have stayed for more than 7 years ‘because the youth can access basic education’⁶⁵ (paper survey 065, 2014). Moreover, many respondents believe that ‘accessing public services and social welfare provided by the government can help them improve their lives’ in order for them to ‘help develop our country in the future’(paper survey 116, 2014).

(5) Individual Safety Reason

About 16 per cent of overall supporters mentioned safety reasons involving national security and individual safety. This reason was given by 75 per cent of respondents who support stateless youth staying in Thailand more than 10 years. Moreover, about 14 per

⁶⁵ The first year primary school in Thailand’s 15 years of free basic education starts when a child is aged 7 years old.

cent of respondents, who support stateless youth after staying in Thailand more than 5 years, mentioned this reason.

The words ‘register’, ‘identify’ and ‘punishment’ appear in this response. The respondents believe that giving Thai citizenship to stateless youth will help the government be able to identify individuals. One respondent wrote that ‘it will be easy for the government to track them, if they have Thai citizenship and commit crimes. Holding Thai citizenship, they will be treated and punished as a Thai citizen’ (paper survey 041, 2014).

Moreover, ‘assimilation into Thai society’ and ‘being good citizens’ are mentioned by the respondents. These factors are believed to contribute to personal safety and social security especially by respondents who support stateless youth staying in Thailand after more than 10 years. They wrote ‘if [stateless youth] stay in Thailand more than 10 years and voluntarily want to become Thai citizens, then we should give them Thai citizenship’ (paper survey 066, 2014) and ‘a 10-year period for staying in Thailand would possibly make them loyal to Thailand and respect Thai law, tradition and culture, if they are taught to understand Thai culture’ (paper survey 073, 2014), and ‘know how to live in Thai society’ (paper survey 126, 2014), then they should be granted Thai citizenship. Also, respondents think that...

Children and youth are the future of the country... Give them Thai citizenship, so they can be a driving force in the country. I think it doesn’t matter where they come from. We just have to teach them to be responsible and ‘good’ citizens (paper survey 302, 2015).

(6) Economic Reason

About 8 per cent of supporters mentioned economic reasons for granting Thai citizenship. This reason includes the potential development of stateless youth to be good citizens, such as good tax payers, consumers and labourers. About 54 per cent of respondents who support stateless youth who have stayed in Thailand more than 10 years give this reason. One opinion believes that ‘the youth are already born. In terms of economy, we should support them to grow up in the right way. This will benefit Thailand in the future’ (paper survey 086, 2014).

Furthermore, one respondent believes that the stateless youth actually contribute to Thai society. She wrote, ‘especially [stateless youth] add more labourers to the Thai labour

market and contribute to economic growth. Moreover, they also pay taxes to the government’ (paper survey 077, 2014).

(7) The Child Protection by Law Reason

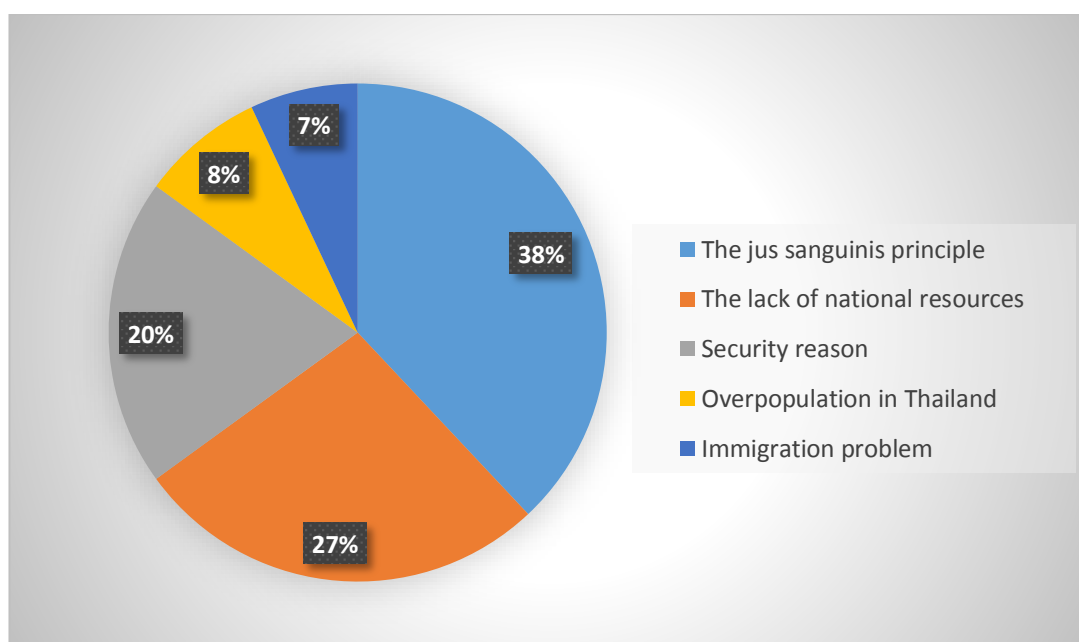
Child protection by law is mentioned by about 5 per cent of overall respondents. It was mentioned by 62 per cent of respondents who support stateless youth being granted Thai citizenship since they were born in Thailand.

The respondents believe that ‘all human beings should be protected by the state’ (paper survey 054, 2014). Moreover, one respondent wrote ‘I support because the children and youth should be protected. All the children must be treated equally’ (paper survey 200, 2015).

7.7.3. Reasons Given by Those Who Do Not Support

As shown in Figure 7.31 above, about 29 per cent of respondents do not support stateless youth being granted Thai citizenship. Figure 7.35 shows five main reasons mentioned by those respondents, which are 1) the *jus sanguinis* principle (38 per cent); 2) the lack of national resources (27 per cent); 3) security reason (20 per cent); 4) overpopulation in Thailand (8 per cent); and 5) immigration problem (7 per cent).

Figure 7.35: Reasons for not supporting



Source: Questionnaire survey between November 2014 and April 2015

(1) The *Jus Sanguinis* Principle

Among non-supporters, about 38 per cent of respondents do not agree with granting Thai citizenship to stateless youth because of the *jus sanguinis* principle. The respondents believe that the stateless youth were not born to Thai citizens, so they are ineligible to gain Thai citizenship.

For example, many opinions mentioned that ‘they are not born to the Thai blood’, ‘their parents are not Thai citizens’ and ‘Thai citizenship is for Thai people only’ (paper survey 031, 064, 2014). Furthermore, many respondents referred to the parents of the stateless youth by saying that ‘the stateless youth should be granted citizenship according to their parents’ citizenship’, (paper survey 055, 2014) and ‘their parents are from Myanmar, so the Myanmar government must solve this problem’ (paper survey 023, 2014).

(2) The Lack of National Resources Reason

The second reason mentioned concerns the lack of national resources. About 27 per cent of respondents believe that granting Thai citizenship to stateless youth would consume Thai national resources in the future, especially the government’s budget for education, health care services and land ownership. Respondents are aware that Thailand has limited national resources including financial support. Therefore granting Thai citizenship to these stateless youth would worsen the situation of the government’s inefficient resource distribution.

For example, one opinion states that ‘We [Thailand] have our own (serious) problems to solve. We are not a wealthy country and what we have done for them is good enough,’ and ‘we will have to use more national resources such as spending more of the government’s budget to take care of them and develop their potential’ (paper survey 029, 2014).

Moreover, respondents are reluctant to allow the government to spend more money on non-Thai migrants, as they stated that ‘all the government’s services are not equally provided by the government even to Thai people’ (paper survey 090, 2014), ‘if we want to help other people, we have to make sure that we do not hurt ourselves’ (paper survey 081, 2014) and ‘we have to prioritise the national interest over other individual interest’ (paper survey 102, 2014)

(3) National Security Reason

About 20 per cent of non-supporters are concerned about security problems. The security problems include national security and individual safety. Most respondents believe the security reason is connected with the *jus sanguinis* principle. Due to the fact that their parents are not Thai citizens, the stateless youth may cause some problems for national security. One response states that he feels insecure and ‘do[es] not support because they cause human trafficking and jeopardise national security’ (paper survey 074, 2014).

Due to their parents’ origin in Myanmar, some respondents are sceptical about their loyalty to Thailand, which may be harmful to Thailand’s national security and individual safety. One respondent wrote that ‘they do not truly love Thailand because they always rob and kill Thai people’ as the Thai media always display (paper survey 034, 2014). One respondent wrote that ‘we have to be careful in terms of refugees because they do not have genuine links to Thailand and they are likely to commit crimes in Thailand’ (paper survey 315, 2014).

Although some respondents do not support stateless youth being granted Thai citizenship, they offer solutions. One respondent wrote:

I do not support, although I know that the stateless situation in Thailand is important. If we plan it wrong, it will affect our national security. I have a condition that, we may not have to grant Thai citizenship, but we can provide education and health care services to them. For example, we provide schools for the stateless youth, and allow them to access some hospitals. We do not have to give them Thai citizenship, but we should keep job opportunities open for them. However, they can be granted Thai citizenship if they stay in Thailand longer than 30 years (paper survey 051, 2014).

(4) Overpopulation in Thailand Reason

Around 8 per cent of non-supporters are concerned about overpopulation in Thailand. They mentioned that the Thai population is already high. Granting Thai citizenship would increase the Thai population. One opinion thinks that ‘Thailand’s birth rate is still fine. We do not need to bring in more diversity’ (paper survey 005, 2014).

The issue of overpopulation is connected with national welfare and the lack of national resources. Respondents believe that ‘Thailand has enough Thai citizens’ (paper survey 004, 2014) and ‘the recent quality of life of Thai people is very low. We do not want to have more burden’ (paper survey 110, 2014).

(5) Immigration Problems Reason

Finally, a few respondents (about 7 per cent) are afraid that granting Thai citizenship to stateless youth in Thailand would become one of the pull factors for immigration. The respondents believe that easily granting Thai citizenship is a signpost to welcome more migrants. They decided not to support the stateless youth in order to deter other non-Thai migrants who may use this means to ‘give birth in Thailand for their children to benefit from Thailand’s welfare,’ such as free education (paper survey 304, 2015).

7.7.4. Discussion

The results from this section on respondents’ decisions to support or not support the stateless youth being granted Thai citizenship reveal that less than half, about 46 per cent, of respondents, consider granting Thai citizenship to stateless youth would help them have better lives, whilst about 30 per cent are unsure about the situation. In contrast, about 24 per cent disagree that having Thai citizenship would help stateless youth have better lives.

However, respondents believe that granting Thai citizenship should depend on whether stateless youth choose to stay in Thailand or move to Myanmar. About 53 per cent think that the stateless youth should be granted Thai citizenship, if they decide to stay in Thailand (about 38 per cent) and they are born in Thailand (about 15 per cent). On the other hand, about 47 per cent believe that they should not be granted Thai citizenship because they are born to non-Thai migrants (27 per cent) and they may decide to move to Myanmar with their parents (20 per cent).

When asked whether the respondents support the stateless youth being granted Thai citizenship, the majority, about 64 per cent, of overall respondents, supports the stateless youth being granted Thai citizenship. Among them 44 per cent think that the stateless youth should be granted Thai citizenship after they have lived in Thailand longer than 10 years. About 29 per cent believes that the stateless youth should be granted Thai citizenship at birth. About 16 per cent supports the stateless youth after they have stayed in Thailand for 7 years. Finally, about 11 per cent supports the stateless youth after they have stayed in Thailand more than 5 years.

Importantly, there are seven different reasons behind the decision for supporting them. The most mentioned is the morality reason. The respondents feel pity for the stateless youth. Particularly, the words ‘humanity’ and ‘morality’ are often mentioned. The *jus soli* principle is mentioned, as the stateless youth are born in the territory of Thailand. Basic human rights, human security reason, security concerns are also mentioned. The respondents believe that granting citizenship is one of the basic human rights that all human beings should have.

Moreover, human security reasons involve ability to access public facilities provided by the government, such as education, health care service, the freedom of movement and capacity to find a job. This can help improve stateless youth’s quality of life, so that they can ‘help develop our country in the future’ (paper survey 116, 2014). Furthermore, economic reasons are mentioned as stateless youth have the potential to become good tax payers, consumers and labourers. Finally, child protection by law is mentioned because they think all children and youth in Thailand should be treated equally and protected.

In contrast, 29 per cent does not support and about 7 per cent does not have any opinion about this proposal. Five main reasons are mentioned by non-supporters. They do not agree with granting Thai citizenship to stateless youth because of the *jus sanguinis* principle. The second reason is that granting Thai citizenship to stateless youth would consume more Thai national resources in the future. The third reason is that the stateless youth are believed to cause some problems in terms of national security and individual safety. The fourth reason is that granting Thai citizenship would increase the Thai population. As a result, Thailand will face the problem of overpopulation. Finally, a few respondents believe that granting Thai citizenship would become one of the pull factors for more non-Thai individuals to migrate into Thailand.

7.8. Research Results and Discussion

The paper questionnaire survey on the Thai respondents’ opinions concerning refugees and stateless youth covered the following major aspects: temporary shelter areas and refugees; border security; the situation of stateless youth in Thailand; and granting Thai citizenship to stateless youth.

Major research findings and discussion are as follows:

- 1) The majority of Thai respondents lacks knowledge of the existence of the temporary shelter areas along the border and refugees. For instance, more than half of overall respondents disagree that they know about these issues. Moreover, only one third of the respondents knows the refugees are from Karen/Shan States inside Myanmar and the temporary shelters are closed areas.
- 2) Thai respondents who have engaged with non-Thai migrants previously are more likely to have knowledge about temporary shelter areas and refugees than those who have never engaged with non-Thai migrants. Moreover, Thai citizens who have engaged with non-Thai migrants previously are more welcoming to the refugees than the others.
- 3) The majority of respondents does not mind having the temporary shelter areas along the border, but they do not welcome the refugees staying in Thailand.
- 4) For the temporary shelter areas along the border and the refugees, the respondents focus on security concerns. The majority thinks that the temporary shelter areas and the refugees do not bring much benefit to Thailand, although overall respondents believe refugees help increase the Thai national economy as labour is contributed by the refugees who help replace Thai labourers in dirty, dangerous and difficult jobs (3D jobs). Also, more Thai products can be sold to the refugees.
- 5) In contrast, the majority thinks that the temporary shelter areas and the refugees cause some problems such as threats to national security and personal safety. The respondents believe that the Thai government must take care of border security, as a part of national security.
- 6) In terms of stateless youth, more than half of the respondents have knowledge of stateless youth in Thailand. Nevertheless, less than half (about 40 per cent) know the stateless youth cannot access public facilities such as Thailand's public schools, public health care services and the right of movement.
- 7) For stateless youth, the respondents consider them a social issue rather than a security concern. Although about less than half of respondents are unsure whether stateless youth bring some benefits or cause problems to Thai society, they focus

on social issues such as human trafficking, child labour exploitation and illegal migration. The respondents expect Thailand's Ministry of Social Development and Human Security and INGOs to take care of the stateless youth. This shows that the respondents believe that the situation of stateless youth in Thailand is a social issue that can be solved by the Thai government's agencies in cooperation with INGOs/NGOs.

- 8) The majority of overall respondents (see Figure 7.24), about 64 per cent, supports the stateless youth being granted Thai citizenship. The Thai respondents, especially the male respondents, who have previously engaged with non-Thai migrants are more likely to support the stateless youth than female. The reasons for supporting them are various such as humanity and morality reasons, the *jus soli* principle, basic human rights and human security reason. Also, individual safety reasons, economic reasons and child protection by law are mentioned as bases for their decisions.
- 9) About 29 per cent of overall respondents does not support the stateless youth being granted Thai citizenship. More female respondents than males do not support the stateless youth. The respondents do not support it because of the *jus sanguinis* principle and the lack of national resources. Also, national security, overpopulation in Thailand and immigration problems are mentioned. Finally, the rest, about 7 per cent, do not have an opinion about this proposal.

7.9. Conclusion

In conclusion, among Thai citizens knowledge of the existence of the temporary shelter areas along the border and refugees is limited. Although Thai citizens who have engaged with non-Thai migrants previously are more likely to know about the situation than those who have never engaged with non-Thai migrants, they still lack knowledge about refugees from Karen/Shan States inside Myanmar and that the temporary shelters are closed areas.

The respondents are more concerned with the security issue in relation to the refugees and the temporary shelter areas along the border than the situation of stateless youth in Thailand. We can see this by investigating the respondents' opinion about who should

take care of the issue. In the case of the refugees and the temporary shelter areas, the respondents expect the Thai government to take care of border security, as it is a part of national security. On the other hand, the situation of stateless youth should be handled by Thailand's Ministry of Social Development and Human Security and INGOs, because it is seen as one of the social issues.

Moreover, when asking about problems caused by the temporary shelter areas and refugees, threats to national security and personal safety are most frequently mentioned. On the other hand, stateless youth are not seen as security risks, but they are seen as potential causes of human trafficking, child labour exploitation and illegal migration.

Finally, the majority of respondents, about 69 per cent, supports the stateless youth being granted Thai citizenship, because of humanity and morality reasons, the *jus soli* principle, basic human rights and human security. Also, about 29 per cent are non-supporters and 7 per cent do not have an opinion about this proposal. They are more concerned with the *jus sanguinis* principle and the lack of national resources than the national security reason. Based on these results, policy recommendations and conclusion are presented in Chapter 8.

Chapter 8: Conclusion, Policy Recommendations and Future Research

8.1. Introduction

This thesis has sought to explore the idea and practice of citizenship and their impact on stateless young adults along the Thailand-Myanmar border in the context of the Thai state's national security policy. The study pursued four sub-objectives. Firstly, the research identifies the causes of statelessness in Thailand. Secondly, the study investigates the dynamic of Thailand's national security policies regarding stateless children and young adults. Thirdly, the research has discussed the impact of statelessness on the livelihoods of the young adults living along the Thailand–Myanmar border. Fourthly, the statistical evidence of the study explores the opinions of Thai respondents regarding support for the stateless youth being granted Thai citizenship and the reasons underlying their views.

The present chapter aims to propose policy recommendations for balancing national security, human rights and human security to benefit Thai citizens and young adults along the Thailand–Myanmar border, thus addressing the fourth research question.

This chapter consists of five sections. The first section provides the main findings of the research drawing on the idea and practice of citizenship related to national security policies in Thailand. This is followed by policy recommendations with respect to the Thai government balancing its national security, human rights and human security policies for stateless young adults. The third section presents the thesis's contribution to existing knowledge. The final two sections discuss the limitations of the study and offer some suggestions for further research.

8.2. Research Findings and Conclusions

8.2.1. Becoming Stateless in Thailand

Chapter 4 has addressed the first research question on the causes of statelessness in Thailand. This chapter presents three important origins of statelessness in Thailand. Due to the development of Western-style political mapping techniques and the emergence of a modern state, the borderlines were fixed between British Burma and Siam in the

nineteenth century. At the time of the 1909 treaty between the United Kingdom and the Kingdom of Siam, many ethnic groups now in Thailand were living in Myanmar, Cambodia, Laos and Yunnan. They were left unrecognised as citizens of any modern state when the borders were formally drawn. People who lived in-between the borders and belonged to communities who crossed back and forth were disadvantaged by the new borders (Winichakul 1994; Keyes 2002; Gainsborough 2009).

Later on, the nationality law, as a product of modern nation-state building and Thai national security policies, was regulated by different Thai governments at different times. It has changed regularly and significantly. The changes in the law contributed to creating the stateless population in the country. As a result, large numbers of ethnic minorities living far from the central government and authorities have been left unrecognised and unregistered by the Thai government, although they have never been anywhere else. The second cause arises from the problem of law enforcement, the failure of the government's civil registration survey in 1956, the government's policy changes from 2001 and the Thai bureaucratic system including officials who lack understanding of the nationality laws. In addition, children of migrant and refugee families have failed to obtain their birth certificates due to Thai government policy on birth certificates being issued in the refugee areas and many difficulties accessing the registration at the time of birth.

As a result, many stateless youth who were born in Thailand and have never left the country at all have no citizenship. Their stateless status is a consequence of the progress of modern state building and the operation of the nationality law. Without citizenship, they are considered as migrants who have entered and resided in Thailand without permission. Accordingly, stateless young adults are not only deprived of their basic rights, but also are subject to being arrested and forced to leave the country at any time.

8.2.2. National Security Policies towards Stateless People in Thailand

Chapter 5 answers the second research question by investigating the dynamic of Thailand's national security policies regarding stateless children and youth. It presents the concept of national security policies in the Thai context which are controversial and changeable. The misuse of the national security concept not only diversifies the security discourse and justifies the state distancing itself from its international legal obligations, but also prioritises the importance of protecting the existing state over that of individuals

(Nasu 2011). As a result, national security has become an excuse for the Thai government to issue policies targeting non-Thai migrants (Office of the National Security Council 2015). Consequently, it is the way national security is framed that poses threats to individuals and violates their human rights and human security (Suhrke 1999; Chongkittavorn 2012; Karunan 1997).

Thai government philosophy is formed around the notion that the country faces several major security threats from neighbouring countries such as Myanmar, Cambodia and Malaysia. Various Thai governments have conceptualised threats from Myanmar focused on ethnic insurgencies resulting in forcibly displaced people and illegal immigrants. This has especially been the case since the Thaksin Shinawatra government (2001–2006). More than two million migrants from Myanmar are considered as threats to Thai local society, although they have made a huge contribution to Thailand's rapid economic growth. Moreover, the current Thai government considers stateless people along the border as a problem involving drug trafficking and illegal migrant workers that needs to be resolved. Consequently, a number of domestic laws and policies concerning non-Thai migrants has been promulgated. These series of regulations include stateless youth who were actually born and live in Thailand as they are seen as non-Thai migrants. Therefore, they are inevitably constituted as threats to the nation.

Chapter 5 also analyses the strategy of the Thai government in employing several mechanisms in its national security policies to ensure that every individual in Thailand has at least one form of identification document. Legalising an 'individual without legal status' through the system of different categories of documentation is employed by the Thai state. However, the categorisation process lacks a consistent rationale, resulting in confusion. Although the colour ID cards or 13-digit ID Code which classify people of different ethnic origins, are not referred to in the frameworks of Thai citizenship, the card holders are constructed as subjects of the state under the Thai domestic laws. The 13-digit ID Code symbolises discrimination and marginalisation as it limits the holders' movements, access to public services and rights to access citizenship, according to the different categories.

Consequently, the confusing process for legalisation of non-Thai migrants does not actually aim to solve the problem of stateless people in Thailand. It only allows the

individual to have a form of identification document. At the same time, it marginalises and suppresses stateless people through its limitation on access to basic rights, and makes their lives subject to Thai domestic law.

8.2.3. Negotiating Basic Rights among Stateless Youth in Thailand

Chapter 6 responds to the first research question about the impact of being stateless young adults living along the Thailand-Myanmar border. The study shows that stateless people are required to register in order to not be arrested or deported. Being registered, stateless people are recognised as ‘a person without legal status’ by the Thai government; however, this semi-legal status is not considered as Thai citizenship. The semi-legal status has great impacts on stateless people’s lives. The study shows that the research participants describe their lives as ‘a life in waiting’ due to their several years of waiting for the official confirmation of their legal status. However, their wait is for an outcome which is not guaranteed and the result may not be what they want.

During the several years of waiting, negotiations for basic rights between stateless youth and the Thai government have focused on four aspects. Firstly, education is a central concern of the stateless youth, because it is an important key to improve their livelihood. Being students in a Thai public school allows stateless youth to have freedom of movement, and some stateless youth can further their education at university level. Although the Education for All policy in 2005 allows all individuals in Thailand to receive 15-years free public basic education, stateless youth find difficulties in accessing public schools, as some public schools ‘refuse to admit migrant children’ (Nawarat 2014b, p.4). Moreover, the language barrier and discrimination are significant problems for children of different backgrounds. Also, the government’s student loan is provided exclusively to Thai citizens. This encourages children of illegal migrants and stateless youth to attend community-based Migrant Learning Centres (MLCs), although the centres are not acknowledged by the Thai and Myanmar governments. Refugee children receive non-government education. Mae La refugee camp is well known as a centre of education for refugee children and youth to access informal education provided by refugee communities and INGOs with limited support.

Secondly, public health care services and health insurance are provided only to registered stateless people who are considered as ethnic minorities. Stateless people whose 13-digit

ID Code begins with '0' are left to buy their own health insurance, but their low paid jobs do not allow them to do so. Refugees generally find it difficult to access public hospitals outside the camp. To be able to access a health care service, stateless individuals rely on helpful hospital staff to access some public hospitals which are available to poor Thais and non-citizen Shan migrants in Chiang Mai (Seo 2015). Most stateless individuals in Tak province go to a private pharmacy and local clinics for basic health treatment. The community-based migrant clinic and NGOs are key agencies to provide health care facilities and activities for the displaced and stateless people.

Thirdly, legal protection in Thailand, especially under the *Constitution of the Kingdom of Thailand B.E. 2560* (2017) and the *Child Protection Act B.E. 2546* (2003), applies only to Thai citizens. As a result, migrants, refugees, stateless children and youth in Thailand are left without legal protection. To access the right to be legally protected, the study shows that the use of fake ID cards, the purchase of Thai ID cards and identity theft are real practices for those who can afford the price. Moreover, obtaining many different cards by one individual is a strategy to ensure that one of the cards will support the owner's legal status in the near future (Laungaramsri 2014).

Fourthly, freedom of movement is limited for stateless people. They are required to have permission to travel out of their registered areas. Any stateless person who fails to obtain travel approval and is found outside his/her district or province may be arrested by police, as he/she is guilty of a crime. Likewise, some stateless youth use a foreign ID, such as a foreign passport, to live in Thailand, if they are able to get it issued from their parents' country of origin. However, this practice is very rare, because most are unable to prove their origin. Also, they prefer not to use a foreign passport to live in Thailand, because they need a visiting visa, and must comply with the immigration law. Using a foreign passport to live in Thailand gives the non-Thai people the feeling of being aliens living in their own country.

As described by an NGO representative (in-depth interview, Tak province and Chiang Mai province, September–November 2014), the application for Thai citizenship is a difficult, complex and seemingly endless project. The application requires complicated supporting documentation and proof on a case by case basis. At this point, the individual has to rely on his/her own personal connections to access basic public services and

allocation processes. Moreover, the application system allows common corruption and prejudice, as the authority for granting Thai citizenship resides solely with a district governor. At the same time, stateless youth's political capital is very weak, as they can only rely on NGOs who work on their application for Thai citizenship, which is resolved on a case by case basis. For some cases, a DNA examination costing more than THB2,050 per person (about \$64) is required. In many cases, applications are unable to be submitted because of the lack of supporting documents and proof.

8.2.4. Public Opinion

Chapter 7 presents the results of the questionnaire survey regarding the third research question on Thai respondents' opinions about the issue of stateless children and young adults. It showed that public knowledge among Thai respondents concerning the temporary shelter areas and refugees along the Western border of Thailand is limited. Although some Thai respondents who have worked with and/or employed non-Thai migrants are more likely to know more about the situation of the temporary shelter areas and refugees than those who have never engaged with non-Thai migrants, the majority still lacks knowledge about refugees from Karen/Shan States inside Myanmar and that the temporary shelters are confined areas.⁶⁶

The majority of the respondents regards the temporary shelter areas and refugees in terms of national security and personal safety. On the other hand, the majority of the respondents considers stateless youth as a social issue rather than a security problem. Although less than half of the respondents are unsure that stateless youth bring some benefits or cause some problems to Thai society, they focus on social issues such as human trafficking, child labour exploitation and illegal migration.

In terms of the temporary shelter areas and the refugees, the respondents believe that the Thai government is responsible for border security, as a part of national security. In contrast, the respondents expect Thai government agencies such as the Ministry of Social

⁶⁶ At the beginning of the refugee influx, the refugee communities were established along with the Thai border communities. However, the government consolidated the refugee communities into nine 'temporary shelter' areas in 1995–1997 due to the security reasons. The Thai government has more direct control over the communities and displaced people are completely cut off as the entrance and exit are under the control of Thai authorities. They have become inaccessible to Thai people.

Development and Human Security and INGOs to take care of the stateless youth, as major social issues.

Finally, the majority (64 per cent) supports the stateless youth, especially the Thai respondents who have engaged with non-Thai migrants. They are more likely to support the stateless youth than the other groups who have not previously had contact with non-Thai migrants. The reasons for supporting them are various including morality reasons, the *jus soli* principle, basic human rights, human security reason, safety reasons, economic reasons and child protection under the law. On the other hand, only about 29 per cent does not support the stateless youth being granted Thai citizenship due to the *jus sanguinis* principle and the lack of national resources rather than the national security reason. The rest, 7 per cent, does not have an opinion about this proposal.

8.3. Policy Recommendations

8.3.1. The Legal Perspective

Citizenship may be simply seen as nationality which indicates that individuals either are, or are not, citizens of a specific country (McCargo 2011, p. 833). This status is based on legal institutions. Chapter 4 shows that the *de jure* stateless situation in Thailand is a result of historical geo-political development from the Siamese court to the modern Thai state by fixing the borderlines and the regulation of the *1909 Civil Registration Law* and the *1913 Nationality Law*. This study argues that the evolution of the *Nationality Law* has shown that the *jus sanguinis* and the *jus soli* principles were implemented in the original Thai *Nationality Law* in 1913. From 1965, national security policy has played an important role in Thai *Nationality Law* resulting in the limitation of Thai citizenship being granted to those who were born to Thai parents. To maintain national security, the *Nationality Law* changed to emphasise the *jus sanguinis* principle. Eventually, the *jus soli* principle disappeared from the promulgation of *Nationality Act B.E. 2508* (1965).

This thesis encourages the government to resume granting Thai citizenship to those who were born and have lived in Thailand their whole life, especially the next generation of ethnic minorities including diverse groups of Karen, Hmong, Shan, Lao and Khmer. This could be based on the *jus soli* principle as in the original *Civil Registration Law* of 1909 which did not aim to distinguish between Thai and non-Thai migrants. The policy of

including the majority of immigrants of Chinese, Indian, or Vietnamese background through the *Nationality Act B.E. 2456 (1913)* was announced. The government could no longer ignore their existence, influence, or contributions to the nation. By this method, the Thai government recognised the enormous contribution to national economic growth of the Chinese migrants.

The data from the study suggest that since the conflict in neighbouring countries has ended, national security policy, which aims to prioritise Thai citizenship, should be reviewed. Amendment of the nationality law to grant Thai citizenship based on the *jus soli* principle would do no harm to the nation. On the other hand, loyalty to the nation will be strengthened. Firstly, granting Thai citizenship since a child's birth not only demonstrates that the Thai government accepts the international obligation under Article 7 of the UN *Convention on the Rights of the Child* (CRC), which allows every child to register 'immediately after birth and shall have the right from birth to a name, the right to acquire a nationality' (*Convention on the Rights of the Child* 1989, p.3), but also the right to be registered as a citizen at birth. This will help the country prevent the phenomenon of statelessness.

Secondly, granting Thai citizenship to stateless people who were born and have been living in Thailand their whole life shows that the Thai government and Thai citizens welcome individuals to Thai society (as per the result shown in Chapter 7) regardless of the origin of their parents. At the same time, the government can use this policy as an opportunity to offer an apology and compensation to ethnic minority people who were left unrecognised and unregistered at the household survey in 1956, which forced them and their next generation to be stateless. However, the government must ensure that all individual applications are equally treated and fairly judged. The corruption and prejudice of local officials must be dealt with.

Thirdly, the shortage of labourers in Thailand's labour market is a longstanding problem that has obstructed the nation's economic growth since the 1997 economic crisis. Furthermore, labour shortage in the private sector occurred in June 2017 due to the implementation of a new executive decree on foreign labour. This decree was criticised and suspended, because Thailand's economy could not afford the price of losing more than 60,000 migrant workers from neighbouring countries. Granting Thai citizenship

based on the *jus soli* principle will increase the numbers of participants in the labour market, as stateless youth are mostly under 30 years old. The study has shown that their ability to work has been prepared and advanced through Thailand's formal and informal education systems. Therefore, it is logical that granting Thai citizenship to those who were born in the country will help national economic growth, because these youth can be employed by the formal business sector and become tax payers (paper survey 077, 2014).

8.3.2. The National Security Perspective

Chapter 5 of this study shows that national security in Thailand reflects a traditional understanding of security which is a diverse and contested concept. Moreover, national security in the Thai context is controversial and changeable, resulting in a series of inconsistent regulations that have marginalised stateless people through a confusing categorisation process. The study shows that since the 2014 coup, the military government has granted Thai citizenship to more of the stateless population, compared to the previously elected government. Since 2016, the number of stateless people who has been granted Thai citizenship has been increasing. According to the official report in 2016, 18,773 stateless people were granted Thai citizenship during 2013-2016 (Ministry of Foreign Affairs 2016). In addition, 1,465 stateless applicants in Mae Hong Son, Chiang Rai, Chiang Mai and Tak provinces holding an 13-digit ID Code beginning with number '6' or '7'⁶⁷ were granted Thai citizenship between July and October 2016 (Ministry of Interior 2017). It is understood that these applications were lodged long ago,⁶⁸ and the government considers them ethnic minority people who have lived and assimilated to Thai society for a long time. It is possible to see the military government taking a serious step to address the stateless situation as the government understands that the request for Thai citizenship is important.

On the other hand, it is noticeable that all successful applications exclude the stateless population holding 13-digit ID Code beginning with number '0'. Also, the law indicates

⁶⁷ ID beginning with number '6' and '7' indicates that the holders are ethnic minority and children of ethnic minority parents respectively. The Thai government believes that registered stateless people are ethnic minority and their family has assimilated to Thai society, and has contributed to Thai society because they have lived in Thailand for a long time (Napaumporn 2014, p.147).

⁶⁸ Two applicants in Chiang Mai province were not granted Thai nationality because they died in 2015 and 2016 (Ministry of Interior 2017).

clearly that granting Thai citizenship is considered on a case by case basis and depends largely on local authorities (*Nationality Act B.E. 2508 1965*; Schearf 2011). This thesis suggests that the government needs to systematise and standardise its record keeping to ensure that stateless people are categorised in the right group. This will reduce confusion in the categorisation process, and simplify the complexity of a series of domestic laws that have been recently applied to stateless people in different categories. In the first stage, it will allow stateless people to access some public services.

In 2017, *Notification of the Ministry of Interior* allowed about 80,000 stateless people, including children of migrants and displaced people to be eligible to apply for Thai citizenship (Rakkanam 2017). However, strong criteria have been placed on eligible applicants. The first group is those who were born in Thailand to ethnic minority parents, registered by the Ministry of Interior, and has lived in Thailand for no less than 15 years (*Notification of the Ministry of Interior on granting Thai citizenship to persons born in the Kingdom of Thailand to alien father and mother in general and specific cases 2017*, p.11). This *Notification of the Ministry of Interior* conflicts with the naturalisation process. As stated in Section 10 of the *Nationality Act B.E. 2508 (1965)*:

An alien may apply for naturalisation as a Thai [if they have] a domicile in the Thai Kingdom for a consecutive period of not less than *five years*⁶⁹ till the day of filing the application for naturalization (*Nationality Act B.E. 2508 as amended by Acts B.E. 2535 No. 2 and 3 (1992)*, p. 3).

Correspondingly, ‘a person who has acquired Thai nationality by naturalisation must hold the Thai nationality for not less than *five years*⁷⁰ [to have the right to vote at an election]’, according to Section 95 of *Constitution of the Kingdom of Thailand B.E. 2560 (2017)*

As we can see, an alien can become a Thai citizen by naturalisation within 5 years of staying consecutively in Thailand. Later on, he/she can have some political rights⁷¹, within 10 years for domicile in Thailand. In contrast, stateless people must stay in Thailand for 15 years, 5 years longer, in order to be eligible to apply for Thai citizenship. Also the process of application will take longer. Therefore, this *Notification of the*

⁶⁹ Italics added by the researcher.

⁷⁰ Italics added by the researcher.

⁷¹ He/she will have the right to vote at an election, but no right to be elected as a member of the House of Representatives or the Senate, or to be appointed as a minister or a justice of the Constitutional Court (*Constitution of the Kingdom of Thailand B.E. 2560 (2017)*).

Ministry of Interior enforces very strict criteria on stateless people with regard to applying for Thai citizenship, in contrast to the naturalisation law.

The second group of eligible applicants refers to stateless youth who were born in Thailand to alien parents, including children of migrants and displaced people, and have graduated from university. The process excludes a large number of children of migrants and displaced people due to educational background. As shown in Chapter 6, children of migrants and displaced people have only a small chance to attend a Thai public school. According to the Thai National News Bureau and Public Relations (2016), more than 69,600 stateless students are in Thai public schools, but only 19,800 were determined to be eligible for Thai citizenship (Srisinsuphya 2016). Also, very few stateless youth have graduated from university. Therefore, ending statelessness in the country is likely to take a long time, because the process for a number of offspring of migrants and displaced people to be granted Thai citizenship is still lengthy.

Importantly, the study suggests that Thai authorities should acknowledge the concept of citizenship in the broader context, and consider the statelessness situation in the country a social problem rather than a security issue. By changing this perspective, the government will conceptualise these stateless people as individuals who have been left out of the official records. This study suggests that the government revise the Thai nationality law to acknowledge every individuals' contribution to the country. In brief, citizenship should be offered to the stateless children and youth born in the country, and persons who have resided in Thailand, connect with and benefit Thai society for some period of time, such as 5 years as per the naturalisation process in the *Constitution of the Kingdom of Thailand B.E. 2560* (2017), or 10 years as suggested in Chapter 7.

8.3.3. The Human Security Perspective

By focusing on human security, the rights and security of individuals are prioritised over those of the state. The idea of human security was initiated by the 1994 UNDP Human Development Report (HDR) (Gasper 2014). Amartya Sen explains that human security focuses on individual human lives, and concentrates 'on the downside [of] risks [to] human lives, rather than on the overall expansion of effective freedom in general' (Sen 2014, p.18).

Stateless people are at risk in regard to health, lack of food, shelter and freedom of education and movement. Their security requires responses from a broader spectrum of policy and competencies, with the collaboration of many actors such as governments, NGOs and other civil society movements. Therefore, society and the government play important roles in ensuring that the security of individuals is prioritised. Taking human security seriously, the Thai government must acknowledge that the individual has the basic right to remain in Thailand. Unlike the case of the refugees from Myanmar, the repatriation or resettlement programme is not the choice of stateless youth born in Thailand. They consider Thailand their home, and they have the right to remain in Thailand as they were born and have lived in Thailand their whole lives.

In addition, Chapter 7 shows that the Thai respondents, who support the stateless youth being granted Thai citizenship, are concerned about their human security. Thai respondents believe that being granted Thai citizenship can ensure that stateless youth can access the basic public facilities provided by the government, such as education, health care service, freedom of movement and capacity to find a job. These can help improve their quality of life. For example, the 2005 *Education for All* policy reflects how the government sees the importance of education. Initially, this policy was expected to improve the nation's literacy, while the stateless children and youth can also benefit from it. The study in Chapter 6 shows that the 15-years free public education policy works in multiple ways. Education can temporarily support their security as public schools provide learning opportunities and protection. Studying in public schools, stateless youth are protected by the educational institution. When in contact with Thai authorities, stateless youth are more confident in showing their student card⁷² instead of the ID card which indicates their stateless status. The police eventually ignore them. Moreover, for educational purposes, stateless students are allowed to travel domestically without travel approval. Once they have graduated, their movements become restricted. This regulation reflects the inconsistency in Thai domestic law. This thesis sees the government's reduction on the limitation of travel in 2016 as a positive step. Implemented on 5 August 2016, the regulation allows stateless people, including displaced people from Myanmar,

⁷² The student card does not contain an ID number. Showing only the student ID number, the student card is sufficiently robust to inhibit the police harassing them.

to travel freely in their registered province⁷³ (Ministry of Interior 2016, pp. 21-24). This is in preparation for freedom of movement nationwide.

In addition, education encourages assimilation between Thai and non-Thai migrants. Public schools follow the Thai curriculum and Thai is the main language which is difficult for children from a Myanmar family, resulting in a high rate of school dropouts. However, stateless participants who have attended Thai schools since they were very young can communicate perfectly in Thai. This is the first step in preparing children of non-Thai background to assimilate to Thai society, but the government must allow more than 19,800 stateless students in Thai public schools to be eligible for Thai citizenship.

Spending their whole life in Thai society contributes to self-identification. As shown in Chapter 6, stateless participants feel reluctant to go to Myanmar to obtain a Myanmar ID and passport, even though they may be able to do so. Stateless youth participants whose family has settled have been socialised with Thai citizens through schools and short-term employment on an everyday basis. They self-identify as more Thai than otherwise, although there are ethnic differences. Therefore, they prefer to stay in Thailand and apply for Thai citizenship, as shown by the case of Pu Too's application for Thai citizenship in chapter 6 (in-depth interview, Chiang Mai province, 15 November 2014).

The limitation on movement correlates with the limitation on access to higher education and employment. Stateless youth's registration with the government allows them to obtain some form of working qualification or at least a school certificate, but the government's limitation of movement permitted them to work only in their registered areas. Stateless youth have great concerns after graduating from high school. The lack of an ID card and school certificate results in their inability to study further and apply for work. Advanced education at university level and vocational training are open to all students, but stateless youth are ineligible for student loans. Moreover, finding employment outside the district is possible, but it is restricted by the travel approval which needs annual renewal (*Post Today* 2016).

⁷³ The previous law allowed the stateless people to travel freely only around their registered district. Travel approval was needed if they planned to travel outside their registered district, and province.

Although they are acquainted with the refugees, stateless youth prefer being granted Thai citizenship. Through education and socialisation within Thai society, these stateless youth were born, grew up, spent their whole lives living in Thailand and interact with Thai people by using Thai language perfectly. These life experiences also encourage them to realise that Thailand is truly their home country. This thesis suggests that the government allow educated stateless youth to work according to their education certificate with no restriction on movement or employment. In June 2016, The Legal Status Network Foundation, as one of the NGOs working with stateless people, proposed to the Ministry of Labour suspending the limitation on alien work to ensure that approximately 79,000 stateless youth, who are already in the education system in six border provinces, have the ability to work after graduation (*Post Today* 2016). The reason is because the regulation is out of date, and they are afraid that this regulation impedes opportunities for diligent stateless adolescents to work. It ‘may further prevent the future generation of stateless population from entering into the educational system, which may lead them into earning their livelihood illegally’ (*Post Today* 2016, p. 1).

The thesis suggests that this will provide the opportunity for stateless youth to lead meaningful lives. It will encourage them to study hard and lead productive lives. Also the nation will benefit from additions to the labour market. As a first step, the notification in 2017 allows stateless youth who were born in Thailand to members of minority groups and who have graduated from university, to apply for Thai citizenship (Rakkanam 2017). Moreover, the Department of Employment, Ministry of Labour, has promised to help the ethnic minority population to have the right to work according to their qualifications including as teachers, engineers, nurses and lawyers (Office of Foreign Workers Administration 2014). Hopefully, this policy will expand to include other stateless groups as well.

This thesis recommends that the Thai government reconsider the citizenship law to take human security into account. As shown in Chapter 6, the legal exclusion of the stateless population also obstructs stateless youth making good livelihoods. Initially, the law on child protection must be amended to ensure the right to be protected for all children in Thailand regardless of their legal status and nationality. According to the *Convention on the Rights of the Child* (1989), the government must take all responsibility to ensure that children’s rights and human rights ‘are respected, protected, and fulfilled’ (World Health

Organization 2014, p. 22). Furthermore, all people in Thailand regardless of their origin and nationality must be protected under the country's constitution. This thesis also encourages the government to synthesise domestic laws and practices concerning employment, occupational and health safety, and environmental and legal protection of foreign migrant workers living in Thailand, to be the same as those of Thai citizens (Muntarbhorn and Mantaphon 2005; Jaisat et al. 2014).

Since 2005, the stateless youth have had the opportunity to participate in basic education, but limitations on their movement and the lack of protection inhibit them from fulfilling their potential. The thesis recommends that the Thai government permit stateless youth to be able to use their qualifications in gaining employment. Thai respondents in Chapter 7 also believed that the nation can benefit from the stateless youth in the future. Granting Thai citizenship to stateless youth can ensure some level of human security.

8.3.4. Thai Respondents' Perspective

The final question of the research aims to reveal the opinions of Thai citizens about whether they support or do not support these stateless youth in gaining Thai citizenship. In Thailand, Thai citizens aged 18 years and over are able to participate in political campaigns and movements, including voting in local and national elections. Therefore, public opinion is an important factor in changing government policy.

As Chapter 6 shows, education in public schools encourages assimilation between Thai and non-Thai migrants. The government should allow refugees and non-Thai youth to attend public schools outside the camps. Likewise, the study in Chapter 7 also indicates that Thai respondents who have engaged with non-Thai migrants are more likely to have knowledge about temporary shelter areas and refugees and are more welcoming to the refugees than those who have never engaged with non-Thai migrants. Furthermore, this group of Thai respondents is more likely to support the stateless youth than the others. The understanding between Thai and non-Thai migrants through the educational system and employment on an everyday basis helps Thai citizens to become more aware of the existence of temporary shelter areas, refugees and non-Thai migrants. Thai citizens may become more open-minded as they have more opportunities to socialise with non-Thai migrants within Thai society. This may bring positive impacts in the reduction of discrimination and marginalisation in Thai society toward non-Thai migrants.

Allowing stateless youth to access Thai citizenship may create a more inclusive and tolerant Thai society. Historically and culturally, Thai society has been rather exclusive as a result of the nationalistic idea during nation-state building in King Vajiravudh's reign (1910–1925) which strongly reflects government immigration policies and regulations (Traitongyoo 2008; Sattayanurak 2008). Nevertheless the result in Chapter 7 does not show a strong discourse of Thainess among the majority of Thai respondents. About 64 per cent of Thai respondents supports the stateless youth being granted Thai citizenship regardless of the origin of their identity, although some 29 per cent does not support them, because they are born to non-Thai migrants. The government could consider granting Thai citizenship to stateless youth by taking all Thai respondents' perspectives into account. Importantly, granting Thai citizenship can occur depending on whether stateless youth choose to stay in Thailand or move to Myanmar. The stateless youth could be granted Thai citizenship at different times. In the beginning, the government should consider granting Thai citizenship to stateless youth who were born and have lived in Thailand longer than 10 years, as a process of normal naturalisation. This would avoid an influx of migrants from neighbouring countries who aim to use this means to give birth to their child in Thailand. Later, the government could consider granting Thai citizenship to stateless children born in Thailand to stateless parents, by resuming the implementation of granting Thai citizenship to next and following generations based on both the *jus sanguinis* principle and the *jus soli* principle.

8.4. Contribution to Contemporary Discussion

This study has made four main contributions. Firstly, the study has reviewed the existing literature on the topic and discusses what remains to be explored. The thesis has found that most studies on stateless children require international and regional law, international and regional relief agencies and NGOs to play central roles to help solve the statelessness problem. A few studies mention that the Thai government domestic law needs to comply with international law to help ensure that all migrants, refugees and their children have the opportunity for safe return to Myanmar voluntarily. However, some research focuses on the perspective of stateless children and young adults in Thailand. Likewise, Sunpuwan and Niyomsilpa (2012; 2014) research Thai public opinion toward Myanmar refugees and migrant workers, but not the stateless situation. They emphasise local

integration and encourage the Thai government to promote a multiculturalism policy to create a 'more inclusive society' (Sunpuwan and Niyomsilpa 2014, p. 41). No research mentions the amendment of the nationality law that has direct impact on stateless people, or requests the Thai government to take serious action on birth registration, categorisation and granting citizenship to resolve the problem of the stateless population in the country.

Secondly, the study investigates the situation of stateless youth along the Thailand-Myanmar border. The classic work by T.H. Marshall explains citizenship as a principle of equality which is linked to the capacity to enjoy a set of rights, such as civil, political and social rights (Marshall 1950). However, the idea of citizenship is practised within the nation-state. Citizenship is also a relationship between the state and individuals. Therefore, it is impossible to study citizenship in Asia without the state (Turner 2001, p. 203; McCargo 2011, p. 836). McCargo (2011) argues that citizenship in Thailand operates on multiple levels as a tension between ambiguity and complexity. Therefore, Thai citizenship is seen as a result of the negotiation between the state and the individual.

This research shows the negotiation between stateless youth and the Thai government, although the Thai government does not recognise stateless people. The negotiation is possible, as this study shows that stateless youth can successfully access some basic public services provided by the government, especially education. The most important negotiation is the application for Thai citizenship, because they know that it does not matter how much they have negotiated with the state or assimilated to Thai society, stateless people without a Thai Nationality ID Card have great difficulty in becoming full Thai citizens.

Thirdly, the research is designed to study both stateless youth and the opinions of Thai citizens. The study does not consider granting citizenship to the stateless youth as merely giving them an entrance ticket to the political/social community, but it also aims to hear from the community whether it welcomes the stateless youth. Qualitative data in Chapter 6 show that stateless youth in Thailand have already entered Thai society for a long time mainly through schooling and socialisation with Thai people. Moreover, quantitative data analysis in Chapter 7 shows that the majority of Thai respondents supports the stateless youth being granted Thai citizenship. Only the legal status that guarantees their basic rights and political rights is lacking. The quantitative approach used in the questionnaire

survey reveals that the majority of Thai respondents supports these stateless youth being granted Thai citizenship for various reasons. The results from this questionnaire survey help sharpen the study's conclusion and policy recommendations concerning the situation of stateless youth in the country.

Finally, this research investigates the recent situation of stateless youth, who have experienced difficulties in being stateless, particularly under the military government after the coup in May 2014. However, this research does not focus on the comparative situation pre- and post-coup May 2014, although the situation has changed significantly since the military takeover. The military government has instituted the repatriation programme since 2014, but voluntary repatriation began only in 2016 when the first group of Myanmar refugees was issued with certificates as identification as Myanmar citizens and voluntarily returned to Myanmar. This approach was endorsed by both the Thai and Myanmar governments which encouraged the Thai government to close the camps sooner (Lefevre 2016).

Repatriation is not a choice of stateless youth in Thailand, but being granted citizenship is the basic human right for everyone, according to Article 7 in the UN *Convention on the Rights of the Child* (1989, p.3) that 'the child ... shall have the right to acquire a nationality'. The study observes that the number of stateless people being granted Thai citizenship has been increasing in 2016 under the military government. Moreover, *Notification of the Ministry of Interior on granting Thai citizenship to persons born in the Kingdom of Thailand to alien father and mother in general and specific cases* in 2017 will increase the number of stateless people living in Thailand who are eligible for Thai citizenship. The research provides the Thai government with policy recommendations relating to the opinions of Thai respondents on the current situation of stateless youth along the border from four perspectives. Encouraging the Thai government to grant Thai citizenship to stateless youth, the legal perspective focuses on the government's resuming granting Thai citizenship to the next generation of ethnic minorities based on both the *jus sanguinis* principle and the *jus soli* principle. The national security perspective suggests that the government reconsider citizenship in a broader context, seeing stateless youth as a social issue rather than as threats to national security, and acknowledging the contribution of non-Thai migrants. The human security perspective suggests that the Thai

state plays an important role in ensuring the security of individuals over the security of the state, and allows public services to be accessible by all.

Finally, as discussed above, this notification in 2017 conflicts with the naturalisation process. Results in Chapter 7 show that the Thai respondents agree that Thai citizenship should be granted to stateless youth who were born and have lived in Thailand for more than 10 years. This is a suitable period for stateless youth to become familiar with Thai society. This approach provides a suitable means of balancing national security, human security and Thai perspectives. Full rights of citizenship will enable these stateless youth to be less vulnerable.

8.5. Limitations of the Study

The study employs mixed methods. This approach enables the researcher to access and obtain a more comprehensive understanding of the ‘problem’ of statelessness. Importantly, this study prioritizes the qualitative method involving ethnographic participant observation, in-depth interview and focus group discussions, whilst the quantitative method of paper questionnaire survey was used to support and complement the qualitative examination.

Unexpectedly, the qualitative data collection was limited by two main fieldwork difficulties. The research undertook fieldwork for six months in Thailand from August 2014 to January 2015. During the six-month fieldwork, the researcher experienced difficulty in obtaining access to the fieldwork sites. The temporary shelter areas, or so-called ‘refugee camps’ along the Thailand–Myanmar border became physically restricted, because the military government strengthened its national security policies in the border areas after Thailand’s coup in May 2014. The Ministry of Interior (MOI) no longer grants refugee camp access to anyone, including academics who used to frequently work in the camp, since the political situation is under the control of the military regime.

In order to overcome this limitation, the data collection was conducted outside the camp, since permission to access the camp could not be obtained. Also, targeted participants are various, ranging from refugee youth living in the camp to youth living along the borderline, who were born and live in the camp, but find their way out of the camps often on a daily base.

Some key informants, however, were not available for in-depth interviews during the six-month fieldwork period. Some interviews were declined because the key informants were too busy working in remote areas outside the researcher's expected area of fieldwork. The researcher attempted to arrange a time for the participants' availability. However, some key informants' workplaces were difficult to access. In order to overcome this limitation, telephone and email became essential for communication. However, the researcher prefers face-to-face semi structured interviews to telephone or email communication, because body language and facial expression are important to observe.

Furthermore, the quantitative data collection was limited for the paper survey. The paper questionnaires were distributed to 500 Thai participants who were selected by snowball sampling technique in the Bangkok Metropolitan Region (BMR) and around the border areas. In total, 315 Thai citizens completed the paper questionnaire survey. Although a 63 per cent overall response rate was obtained, the response rate from Thai citizens living around the border areas was comparatively low. Due to the sensitivity of the situation along the borderline, people along the Western border were suspicious of the consequences, if they participated in the survey. Some were, therefore, reluctant to complete the paper questionnaire survey.

8.6. Suggestions for Further Research

The thesis suggests that potential future research should focus on other aspects of stateless people's lives such as careers and finances, marriage and family and social security for a comprehensive study of their livelihoods. Likewise, further research should gather quantitative data from a large representative sample in order to represent better the public opinion of Thai citizens and compare results from different socio-economic backgrounds. Finally, the study recommends that future research focus on the comparison of the relationship between Thai citizens and non-Thai migrants in different areas, such as along the border provinces and the capital city areas of Bangkok, in order to understand more thoroughly the stateless situation nationwide.

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Appendices

Appendix 1: Participant Information Sheet

(to be translated in Thai and read out to participants)

THAI CITIZENSHIP AND STATELESS YOUTH ALONG THE THAILAND–MYANMAR BORDER

What is the project about?

This research project attempts to identify the problems of lack of citizenship and its impact on stateless youth in temporary shelter areas along the Thailand-Myanmar border in relation to the concepts of Thai national security, human rights and human security. This research focuses on youth aged more than 18 years old who were actually born and have lived in Chiang Mai province, and in Tak province. The research aims to raise policy implications of balancing national security, human rights and human security to benefit the stateless youth in temporary shelter areas along the Thailand-Myanmar border. This requires reconsideration of the moral and theoretical justification for granting citizenship to stateless youth in temporary shelter areas along the Thailand-Myanmar border, so that the stateless youth can enjoy full rights of citizenship which will enable them to access public services provided by the state such as the health care system and education.

Who is conducting this research?

My name is Ladawan Khaikham, PhD Candidate, Asian Studies, Department of Anthropology, School of Culture, History and Language, College of Asia Pacific, The Australian National University (ANU).

Who will be involved?

The fieldwork will be divided into two phases of data collection. In the first phase, qualitative method of three focus group discussions consisting of eight to ten stateless youth will be conducted. In total, there will be 19 youth participants in the FGDs. Later, in-depth interviews will be conducted among 15-20 various key informants in temporary shelter areas in each of the three research sites. These key informants participating in each

in-depth interview including camp/community leaders, government Officials, representatives of INGOs/NGOs, school teachers, and selected parents of stateless Youth

What are my rights?

Participation is entirely voluntary. Participants may withdraw or cease participation in the study at any time, without consequence.

Focus group discussions and in-depth interviews will be conducted in safe places of each camp administrative office. The researcher will ensure everything that will happen in focus group discussions and in-depth interviews will be kept confidential. If child participants are unable to make their own consent, the researcher will seek consent from youth's parents or guardians.

How to maintain my confidentiality, anonymity, privacy?

Confidentiality, anonymity, privacy will be maintained throughout the research process in order to avoid potential harm to the participants because of the disclosure of information or their expression during the research process. The personal information will be kept confidential and used solely for the research purpose. During the collection phase and in the publication of results, the participants in focus group discussions and in-depth interviews will be identified with specific confidential numbers instead of their real names for security purposes. The personal information of participants will be stored and secured by digital numbers. This can be re-identified by the researcher for academic proposes only. In the publication of results, where appropriate, pseudonyms for individual names will be used, unless participants specifically request that their own names be used.

If you have been distressed by the procedures, you may contact:

UNHCR Field Office at Mae Sot

34/5 Mae Sot - Mae Tao Road,
Mae Sot Drictrict, Tak, Thailand
Telephone: +665 553 4636
Email: thabm@unhcr.org

The Thailand Burma Border Consortium.

12/5 Convent Road, Bangrak,
Bangkok 10500, Thailand
Tel: +66 (0) 2238 5027
Fax: +66 (0) 2266 5376
Email: tbc@theborderconsortium.org

What are incentives?

Youth participants in this research project will receive a meal after participation for their contribution in the focus group discussions.

Each adult respondent will be given a small gift as a token of the appreciation for his/her contribution to the research. These incentives will be provided directly to respondents after each session.

Who will have access to the information?

The research data will be kept securely and only used for the research purpose. The fieldwork notes from the focus group discussions and in-depth interviews will only be digitalised and kept in the researchers password protected laptop with no authority granted for external access. Hard copies of fieldwork notes will be destroyed immediately after being digitalised. The digital data will be kept securely in the researcher's online storage with secure password protection and exclusively used only by the researcher for academic purposes and the researcher's thesis report. They also will be safely stored and password-protected in the researcher's laptop. Some fieldwork notes and completed questionnaire sheets will be stored in the locked cabinet of the researcher's office only for reference when needed. These data collection will be backed up into computer files and stored for five years, which can be solely accessed by the researcher.

How will the information be published?

The research is part of the researchers work for her PhD thesis at the ANU. The summary of research results will be provided upon the request of individuals, academic and research institutions and government agencies of interest.

At the completion and publication of this research, all stateless youth who have participated in focus group discussions, their parents and their guardians will be invited to a debrief section in a public presentation involving the researcher and participants. During this debrief section, participants are more than welcome to offer any comments. In addition, it is the researcher's intention that the research results will be presented at relevant conferences and will be published in academic journals.

What are the risks of this research?

The risk of this research is a vulnerability of the youth. All youth are vulnerable and this vulnerability is heightened in some youth, especially stateless youth who are already singled out in many ways because they are different than other youth in Thai society. The researcher has acknowledged this fact very well. Therefore, word usage in a set of focus group questionnaire for the youth have been selected and developed carefully. The research also encourage the youth to express their thought through drawing and simple story-telling, if they prefer, instead of giving a direct answer in order to minimize the risk that may do a possibly harm to youth's mind.

What are the benefits of this research?

The outcomes of this research will primarily benefit the stateless youth who were born and live in temporary shelter areas along the Thailand-Myanmar border. On the one hand, stateless youth along the border will be able to express their thoughts because the research is able to describe difficulties that directly affect stateless youth and their way of lives through the individual experiences. Moreover, the public opinion of local people will be heard because the local Thai people are able to express their thoughts and concerns relating to stateless youth throughout the research. Therefore the benefit will flow directly to stateless youth and local Thai people who are living around temporary shelter areas along the Thailand-Myanmar border.

Where do I get further information?

If you wish to ask questions later, you may contact any of the following

Ladawan Khaikham, PhD Candidate

PhD Candidate, Asian Studies, Department of Anthropology, School of Culture,
History and Language, College of Asia Pacific,
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Room 5219, HC Coombs Building, Fellows Road, ACT 0200, AUSTRALIA

Tel: +61 2 6125 2306

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Supervisor contact:

Professor (Honorary) Helen James

Department of Anthropology, School of Culture, History and Language, College of Asia Pacific, The Australian National University (ANU).

Room 5206, Coombs Building, Fellows Road, The Australian National University, Canberra, ACT, 2600

Tel: 6125-2125

Mob: 0419-414552

Fax: 6125-4917

Email: helen.james@anu.edu.au or waldenent@hotmail.com

If you have any concerns about how this research has been conducted, please contact:

Ethics Manager

The ANU Human Research Ethics Committee

The Australian National University

Telephone: +61 (0) 2 6125 3427

Appendix 2: List of Indicative Questions for the Focus Group Discussions (FGDs)

(used exclusively by the researcher)

THAI CITIZENSHIP AND STATELESS YOUTH ALONG THE THAILAND–MYANMAR BORDER

Group _____ consists on _____ participants

Conducted on ____/____/2014

Ice Breaking

1. Self-introduction, age, and school
2. How many close friends do you have?
3. What do you normally do with your friends?

Birth, Home, Family and the Sense of Belonging

1. Home:
 - 1.1 Do you know where were you born, and how important this place is to you?
 - 1.2 Where do you live now and how many people do you live with?
 - 1.3 Can you describe where you live now?
2. Education:
 - 2.1 Do you go to school?
 - 2.2 Do you have many friends in school?
 - 2.3 What does your school look like?
 - 2.4 How do you feel about going to school every weekdays?
3. Health care:
 - 3.1 What do you do when you or your family members are sick?
 - 3.2 Is the hospital far from your house?
 - 3.3 Who takes care of you if your parents are sick?
 - 3.4 If your family member sick, what will you do?

Decision to Stay or Leave

1. How much do you know Myanmar, how do you know about this country?
2. What do you think about Myanmar? What about Thailand?
3. Do you know anyone in Myanmar?
4. How do you feel if one day you have to go to Myanmar?

Ending Session

1. Which country do you prefer to live (between Thailand, Myanmar, or other countries)? Why?

Appendix 3: List of Indicative Questions for the In-depth Interview

(used exclusively by the researcher)

THAI CITIZENSHIP AND STATELESS YOUTH ALONG THE THAILAND–MYANMAR BORDER

Group _____ consists on _____ participants

Conducted on ____/____/2014

Introduction

1. Self-introduction including age
2. Current career and position
 - 2.1 Community/camp leaders
 - 2.2 Parents of stateless youth
 - 2.3 School teachers
 - 2.4 Representatives of INGOs/NGOs
 - 2.5 Government officials

Direct and Indirect Contact with Stateless Youth

1. How long have you known stateless youth in your areas?
2. Do you have regular contact with the youth? How often?
3. What do you think about the livelihood of the stateless youth in your areas in terms of
 - 3.1 Housing
 - 3.2 Education
 - 3.3 Health care services?

National Security Policies, Human Rights, and Human Security

1. What is your opinion about Thailand national security policy toward the stateless youth?

2. According to your everyday life contacting with the stateless youth, do you find any difficulty for them to live under current national security policy of the Thai state in terms of housing, education, and health care services?
3. Do you think the Thai government uses an appropriate way to deal with the stateless youth on the border? How?
4. In your opinion, what should the Thai and Myanmar governments do for the stateless youth on the border?
5. In terms of human rights and human security, what should the Thai and Myanmar governments provide to meet the stateless youth's needs?

Ending Session

1. In your opinion, do you think the stateless youth prefer to stay in Thailand or go back to Myanmar with their parents?
2. If the stateless youth the Thailand – Myanmar border prefer to remain in Thailand, will you support them to gain Thai citizenship? Why, or why not?

Appendix 4: Sample of the Paper Questionnaire Survey

No. (Runs From 1 to 315)

Sample of the Paper Questionnaire Survey

(to be translated in Thai)

THAI CITIZENSHIP AND STATELESS YOUTH ALONG THE THAILAND–MYANMAR BORDER

General Outline of the Project:

This research project attempts to identify the problems of citizenship and statelessness for stateless youth in temporary shelter areas along the Thailand and Myanmar border. Many of them remain stateless because they have not been granted any legal status in either Thailand or Myanmar. Moreover, this research will investigate the concepts of national security, human rights and human security for stateless youth. Importantly, the research will explore the various reasons for the Thai state's national security policy. Finally, the research will make suggestions on a suitable way of balancing national security, human rights and human security to encourage the Thai state to amend its national security policy to grant citizenship to the stateless youth, so that the stateless youth can enjoy full rights of citizenship which will make them less vulnerable.

This paper questionnaire is in the second phase of data collection. 500 Thai citizens who will be selected by snowball sampling technique in BMR (250 people) and around the border areas (250 people) will be asked to complete a set of paper questionnaire concerning stateless youth.

Who is conducting this research?

My name is Ladawan Khaikham, PhD Candidate, Asian Studies, Department of Anthropology, School of Culture, History and Language, College of Asia Pacific, The Australian National University (ANU).

What are my rights?

Participation is entirely voluntary and participants may withdraw from the study at any time, without consequence. In order to minimise foreseeable risks to participants, the paper questionnaire will be completed in places where participants can feel a sense of safety and belonging.

If you have been distressed by the procedures, you may contact:

UNHCR Field Office at Mae Sot

34/5 Mae Sot - Mae Tao Road,
Mae Sot District, Tak, Thailand
Telephone: +665 553 4636
Email: thabm@unhcr.org

The Thailand Burma Border Consortium.

12/5 Convent Road, Bangrak,
Bangkok 10500, Thailand
Tel: +66 (0) 2238 5027
Fax: +66 (0) 2266 5376
Email: tbc@theborderconsortium.org

What is incentive?

Each respondent will be given a small gift as a token of appreciation for his/her contribution to the research. These incentives will be provided directly to respondents after finish the questionnaire.

Who will have access to the information?

The research data will be kept securely and only used for the research purpose. The fieldwork notes from the focus group discussions and in-depth interviews will only be digitalised and kept in the researchers password protected laptop with no authority granted for external access. Hard copies of fieldwork notes will be destroyed immediately after being digitalised. The digital data will be kept securely in the researcher's online storage with secure password protection and exclusively used only by the researcher for academic purposes and the researcher's thesis report. They also will be safely stored and password-protected in the researcher's laptop. Some fieldwork notes and completed questionnaire sheets will be stored in the locked cabinet of the researcher's office only for reference when needed. These data collection will be backed up into computer files and stored for five years, which can be solely accessed by the researcher.

How will the information be published?

The research is part of the researchers work for her PhD thesis at the ANU. Participants will be notified on publication. The summary of research results will be provided upon the request of individuals, academic and research institutions and government agencies of interest. It is the researcher's intention that the research results will be presented at relevant conferences or will be published in academic journals.

What are the benefits of this research?

The outcomes of this research will primarily benefit the stateless youth who were born and live in temporary shelter areas along the Thailand and Myanmar border. On the one hand, stateless youth along the border will be able to express their thoughts, and the public opinion of local people will be heard because the research is able to describe difficulties that affect stateless youth and their way of life through the individual experiences. Moreover, the research will contribute to the knowledge of the real situation of stateless youth along the Thailand-Myanmar border at present and in the future, the discussion of statelessness, citizenship, and national security policy of the Thai state. Through the expression from the participant's direct experiences, Thai society will gain a better understanding of the difficulties that these vulnerable people who have been living in these politically sensitive areas have to encounter. Importantly, the research will broaden the perspective of decision-making and national policy regarding national security, as well as increase public awareness of stateless youth in national political institutions and many public organisations who deal with the stateless youth. Finally, the research will produce a normative explanation of how the Thai-state might amend its national security policy based on the case study in this research

Where do I get further information?

If you wish to ask questions later, you may contact any of the following

Ladawan Khaikham, PhD Candidate

PhD Candidate, Asian Studies, Department of Anthropology, School of Culture,
History and Language, College of Asia Pacific,

The Australian National University (ANU).

Room 5219, HC Coombs Building, Fellows Road, ACT 0200, AUSTRALIA

Tel: +61 2 6125 2306

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Supervisor contact:

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Department of Anthropology, School of Culture, History and Language, College of Asia Pacific, The Australian National University (ANU).

Room 5206, Coombs Building, Fellows Road, The Australian National University, Canberra, ACT, 2600

Tel: 6125-2125

Mob: 0419-414552

Fax: 6125-4917

Email: helen.james@anu.edu.au or waldenent@hotmail.com

If you have any concerns about how this research has been conducted, please contact:

Ethics Manager

The ANU Human Research Ethics Committee

The Australian National University

Telephone: +61 (0) 2 6125 3427

Email: Human.Ethics.Officer@anu.edu.au

The Paper Questionnaire Survey

(to be translated in Thai)

THAI CITIZENSHIP AND STATELESS YOUTH ALONG THE THAILAND–MYANMAR BORDER

Part I: A few brief questions about you

**Remember, all responses are kept confidential and the
results will be used for research only.**

Please indicate X which of the following applies to you.

1) What is your gender?

☐ Male

☐ Female

2) How old are you?

☐ 21–30 years old

☐ 31–40 years old

☐ 41–50 years old

☐ 51–60 years old

☐ 61–70 years old

3) Do you hold Thai citizenship?

☐ Yes

☐ No

4) Do you have youth?

☐ Yes

☐ No

5) If yes, do your youth have citizenship of any country?

☐ Yes

☐ No

6) Where do you currently live?

7) How long have you lived in the areas?

☐ 1–3 years

☐ 9–12 years

☐ 3–6 years

☐ 12–15 years

☐ 6–9 years

☐ More than 15 years

8) What is your career?

- | | |
|---|---|
| <input type="checkbox"/> Farmers and fishermen | <input type="checkbox"/> Private Officers |
| <input type="checkbox"/> Business owners | <input type="checkbox"/> Salesmen |
| <input type="checkbox"/> Government officials | <input type="checkbox"/> Retirement |
| <input type="checkbox"/> Teachers and lecturers | <input type="checkbox"/> Unemployed |
| <input type="checkbox"/> Student | <input type="checkbox"/> Other |

9) Which of these categories best describe the annual income of your household

- | | |
|---|---|
| <input type="checkbox"/> THB0–100,000 | <input type="checkbox"/> THB300,001–400,000 |
| <input type="checkbox"/> THB100,001–200,000 | <input type="checkbox"/> THB400,001–500,000 |
| <input type="checkbox"/> THB200,001–300,000 | <input type="checkbox"/> more than THB500,001 |

Part II: The awareness of the existence of temporary shelter areas, and everyday life involving Myanmar/Karen/Shan workers, refugees and stateless youth

Please circle O around the degree of your agreement relating to the following statement:

1 = disagree, 2 = partly disagree, 3 = neutral, 4 = partly agree, 5 = most agree

Statements	Degree of agreement
1) I know of the existence of the temporary shelter areas along the border.	1 2 3 4 5
2) I know people living in the temporary shelter areas are refugees.	1 2 3 4 5
3) I know the refugees are from Karen/Shan States inside Myanmar.	1 2 3 4 5
4) I know the temporary shelter areas are closed areas.	1 2 3 4 5
5) I know refugees in the temporary shelter are not allowed to go out.	1 2 3 4 5
6) I have contacted refugees inside the temporary shelters.	1 2 3 4 5

Statements	Degree of agreement
7) I know some refugees can go out of the temporary shelters.	1 2 3 4 5
8) I have met and known refugees from the temporary shelters.	1 2 3 4 5
9) I have worked with refugees who live in the temporary shelters.	1 2 3 4 5

Part III: The justification of the temporary shelter areas and national security concerning border issues

Please indicate [X] which of the following applied to you.

- 1) What do you think about the temporary shelter areas along the Thailand-Myanmar Border?
 - ☐ I do not mind having the shelter areas
 - ☐ I do not like the shelter areas
 - ☐ I like to have the shelter areas
 - ☐ We should have the shelter areas
 - ☐ I don't know

- 2) What do you think about refugees along the Thailand-Myanmar Border?
 - ☐ I welcome refugees staying in Thailand
 - ☐ I do not mind having them stay temporarily in Thailand
 - ☐ They are not welcome to stay in Thailand
 - ☐ I have no opinion

- 3) How much do you think temporary shelter areas bring benefit to Thailand?
 - ☐ bring many benefits to Thailand
 - ☐ bring some benefits to Thailand
 - ☐ do not bring benefit to Thailand (go to question 5)

4) How Thailand benefit from temporary shelters and refugees along the border?

- ☐ Thailand have more cheap labourers
- ☐ Add labourers to help increase the national economy
- ☐ Replace Thai labour in 3D Jobs
- ☐ Thailand can sell more produce to these people
- ☐ Do not bring any benefit to Thailand

5) how much do you think temporary shelter areas cause problems to Thailand

- ☐ They do not cause any problem to Thailand
- ☐ They cause few problems to Thailand
- ☐ They cause some problems to Thailand
- ☐ They cause many problems to Thailand

6) Do you think having the temporary shelter areas along the Thailand-Myanmar Border cause which problem the most?

- ☐ They do not cause any problem
- ☐ They cause social problems such as robbery
- ☐ They are dangerous to national security
- ☐ They are dangerous to personal security
- ☐ They cause environmental destruction
- ☐ other problem

7) In your opinion, the border problems should be solved by...

- | | |
|--|--|
| <input type="checkbox"/> Thailand's Border Patrol Police | <input type="checkbox"/> The Thailand government |
| <input type="checkbox"/> The Thai military | <input type="checkbox"/> Thai citizens |
| <input type="checkbox"/> The Thai local police | <input type="checkbox"/> People border areas |
| <input type="checkbox"/> The Myanmar government | <input type="checkbox"/> Others |

Part IX: Your opinion regarding stateless youth

- 1) Please circle O around the degree of your agreement relating to the following statement:

1 = disagree, 2 = partly disagree, 3 = neutral, 4 = partly agree, 5 = most agree

Statements	Degree of agreement
1) I know there are youth who born to non-Thai migrants in the temporary shelter areas.	1 2 3 4 5
2) I know the youth do not have Myanmar citizenship.	1 2 3 4 5
3) I know the youth do not have Thai citizenship.	1 2 3 4 5
4) I know the youth are unable to attend Thailand's public schools.	1 2 3 4 5
5) I know the youth are unable to use public health care services in Thailand.	1 2 3 4 5
6) I know the youth do not have social insurance so they have to pay for health maintenance.	1 2 3 4 5
7) I know the youth are unable to return to Myanmar without any citizenship.	1 2 3 4 5
8) I know the youth are unable to move around Thailand freely.	1 2 3 4 5
9) I know the youth cannot go out of Thailand legally.	1 2 3 4 5
10) I think the youth bring benefits to Thailand.	1 2 3 4 5
11) I think the youth cause problems in Thailand.	1 2 3 4 5
12) I think granting Thai citizenship to stateless youth help them have better lives.	1 2 3 4 5

Please indicate [X] which of the following applied to you.

- 2) What are the problems stateless youth bring to Thai society? (check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Child Sexual Harassment | <input type="checkbox"/> Illegal migration |
| <input type="checkbox"/> Exploitation of child labour | <input type="checkbox"/> Illegal Drugs |
| <input type="checkbox"/> Terrorism | <input type="checkbox"/> Human trafficking |

- 3) Who do you think are responsible for stateless youth? (check all that apply)

- ☐ Thailand's Ministry of Interior
- ☐ Thailand's Ministry of Social Development and Human Society
- ☐ Thailand's Ministry of Education
- ☐ Thailand's Ministry of International Affairs
- ☐ Every Thai citizen
- ☐ The private sector
- ☐ INGOs such as UNHCR

- 4) Do you think youth born to refugees should gain Thai citizenship or not? (Check only one)

- ☐ Yes, because they were born in Thailand.
- ☐ Yes, if they decide to stay in Thailand
- ☐ No, because they were born to non-Thai citizens
- ☐ No, if they have to return to Myanmar

- 5) Do you support stateless youth to gain Thai citizenship?

- ☐ Yes, I support.
- ☐ No, I do not support (go to Part V)

- 6) when do you think stateless youth should be granted Thai citizenship

- ☐ Since they were born
- ☐ When they have stayed in Thailand more than 5 years
- ☐ When they have stayed in Thailand more than 7 years
- ☐ When they have stayed in Thailand more than 10 years

Part V: Short answer questions regarding stateless youth

Please write a short answer related to the topics asked

- 1) Why do you or not support the Thai state to give youth born in Thailand the legal status of Thai citizenship?

----- End of the questionnaire -----

Thank you for your participation

Appendix 5: Ten Provinces Which Have Most Stateless People


Provinces	people ⁷⁴
1. Chiang Rai province	53,000
2. Chiang Mai province	35,000
3. Tak province	31,000
4. Kanchanaburi province	25,000
5. Mae Hong Son province	10,000
6. Ranong province	10,000
7. Ratchaburi province	8,000
8. Prachuap Khiri Khan province	5,200
9. Trat province	5,000
10. Chumphon province	1,600
Total	183,800

Source: Achavanitkul (2011) and *Thairath Online* (2015)

⁷⁴ This number is approximate and not included unregistered stateless people

Appendix 6: A Sample of a Birth Certificate for a Child of Thai Citizens

คู่มือ (ท.ร. 1 ท.ร. 2 และ ท.ร. 3)

ท.ร.		 คู่มือ	
อำนาจทะเบียน		เลขประจำตัวประชาชน	
๑ เด็ก ที่เกิด	๑.๑ ชื่อตัว - ชื่อสกุล	๑.๒ เพศ	๑.๓ สัญชาติ
	๑.๔ เกิดเมื่อวันที่ เดือน พ.ศ. เวลา น. ตรงกับวัน	ที่ เดือน ปี	
	๑.๕ สถานที่เกิด		
	๑.๖ เป็นบุตรลำดับที่ ๑.๗ ผู้ทำคลอด	๑.๘ น้าทวดเกิด	
	๑.๙ เพศหรือจำนวนบุตรก่อนหน้า		๑.๑๐ เลขรหัสประจำบ้านที่พิมพ์ชื่อเจ้า
๒ มารดา	๒.๑ ชื่อตัว - ชื่อสกุลก่อนสมรส	๒.๒ เลขประจำตัวประชาชน	๒.๓ อายุ ปี
	๒.๔ สัญชาติ	๒.๕ เกิดที่จังหวัด	ประเทศ
	๒.๖ ที่อยู่		
๓ บิดา	๓.๑ ชื่อตัว - ชื่อสกุล	๓.๒ เลขประจำตัวประชาชน	๓.๓ อายุ ปี
	๓.๔ สัญชาติ	๓.๕ เกิดที่จังหวัด	ประเทศ
	๓.๖ ที่อยู่		
๔ ผู้แจ้ง	๔.๑ ชื่อตัว - ชื่อสกุล	๔.๒ เลขประจำตัวประชาชน	๔.๓ อายุ ปี
	๔.๔ ที่อยู่		
การเกิด		๔.๕ ความสัมพันธ์กับเด็ก	๔.๖ หนังสือรับรองการเกิด
๔.๗ ใบรับรองการเกิด			
ลงชื่อ ผู้แจ้งการเกิด	ลงชื่อ เจ้าหน้าที่ผู้ปฏิบัติงาน	ลงชื่อ นายทะเบียนผู้รับแจ้งการเกิด วันที่รับแจ้ง เดือน พ.ศ.	

Source: Office of Civil Registration (2009)

Translation of a Birth Certificate for a Child of Thai Citizens



CERTIFICATE OF BIRTH

Registration Office:

Form Thor.Ror.19

		Identification Number:			
1. The New Born	1.1 Name-Surname:		1.2 Sex :	1.3 Nationality:	
	1.4 Date of Birth:/...../.....	At : hrs.	Corresponding to : [] Waxing moon [] Waning moon	Month:	Year:
	1.5 Place of birth:				
	1.6 Child Order:	1.7 Midwife	1.8 WeightGram		
	1.9 Add a Name in Household Registration No:		1.10 Identification Number of the Host:		
2. Mother	2.1 Name-surname :		2.2 Identification Number:	2.3 Age : Years	
	2.4 Nationality:	2.5 Place of Birth		Country	
	2.6 Residence				
3. Father	3.1 Name-surname :		3.2 Identification Number:	3.3 Age : Years	
	3.4 Nationality:	3.5 Place of Birth:		Country:	
	3.6 Residence:				
4. Person Notifying Birth	4.1 Name- Surname:		4.2 Identification Number:	4.3 Age: Years	
	4.4 Residence:				
	4.5 Relationship:	4.5 Birth Certificate:	4.6 Birth Notification:		
..... Person Notifying Birth	 Signature of Officials	 Signature of Registrar Date/...../.....	

Source: Translated by Ladawan Khaikham (2017)

Appendix 7: A Sample of a Birth Certificate for a Child of Aliens

คู่มือตรวจคนต่างด้าวที่ได้รับอนุญาตให้อยู่ในราชอาณาจักรเป็นกรณีพิเศษ (ท.ร. 03)

				ท.ร. ๐๓	
สูติบัตร บุตรคนต่างด้าวที่ได้รับอนุญาตให้อยู่ในราชอาณาจักรเป็นกรณีพิเศษ					
เลขที่		วันที่			
สำนักทะเบียน					
๑ เด็ก ที่เกิด	๑.๑ ชื่อตัว - ชื่อสกุล			๑.๒ เลขประจำตัว	
	๑.๓ เกิดเมื่อ	เวลา	น.	ตรงกับวัน	๑.๔ เพศ
	๑.๕ สถานที่เกิด				
	๑.๖ เพิ่มชื่อเข้าทะเบียนประวัติเลขที่				
๒ มารดา	๒.๑ ชื่อตัว - ชื่อสกุล	๒.๒ สัญชาติ	๒.๓ เลขประจำตัว	๒.๔ อายุ ปี	
	๒.๕ สถานที่เกิด				
๓ บิดา	๓.๑ ชื่อตัว - ชื่อสกุล	๓.๒ สัญชาติ	๓.๓ เลขประจำตัว	๓.๔ อายุ ปี	
	๓.๕ สถานที่เกิด				
๔ ผู้แจ้งการเกิด	๔.๑ ชื่อตัว - ชื่อสกุล			๔.๒ เลขประจำตัว	๔.๓ อายุ ปี
	๔.๔ ที่อยู่				
	๔.๕ ความเกี่ยวข้องกับเด็ก		๔.๖ หนังสือรับรองการเกิด	๔.๗ ใบรับแจ้งการเกิด	
ลงชื่อ..... ผู้แจ้งการเกิด		ลงชื่อ..... (.....) นายทะเบียนผู้รับแจ้งการเกิด		ลงชื่อ..... เจ้าหน้าที่ยุติปฏิบัติงาน	
		วันที่รับแจ้ง เดือน พ.ศ.		ลงชื่อ..... นายทะเบียนหัวเมืองชาย	
				ลงชื่อ..... นายทะเบียนหัวเมืองขวา	

Source: Office of Civil Registration (2009)

Translation of a Birth Certificate for a Child of Aliens

Form Thor.Ror.03



CERTIFICATE OF BIRTH OF A CHILD OF ALIENS WHO ARE ALLOWED TO STAY TEMPORARILY IN THE KINGDOM

No:

Date:


Registration Office:

1. The New Born	1.1 Name-surname:		1.2 Identification Number:	
	1.3 Date of Birth:/...../.....	At: hrs.	Corresponding to: [] Waxing moon [] Waning moon	1.4 Sex:
	1.5 Place of Birth:			
	1.6 Add Name to Civil Registration Number:			
2. Mother	2.1 Name-Surname:	2.2 Nationality:	2.3 Identification Number:	2.4 Age: Years
	2.5 Place of Birth:			
3. Father	3.1 Name-Surname:	3.2 Nationality:	3.2 Identification Number:	3.4 Age: Years
	2.5 Place of Birth:			
4. Person Notifying Birth	4.1 Name-Surname:		4.2 Identification Number:	4.3 Age: Years
	4.4 Residence:			
	4.5 Relationship:	4.5 Birth Certificate:	4.6 Birth Notification:	
..... Person Notifying Birth	 Signature of Registrar		Finger Print of a Left Thumb
..... Signature of Officials		Date/...../.....		

Source: Translated by Ladawan Khaikham (2017)

Appendix 8: A Sample of a Birth Certificate for a Child without Legal Status

สูติบัตรบุคคลที่ไม่มีสถานะทางทะเบียน (ท.ร. 031)

 <p>ท.ร. ๐๓๑</p> <p>สูติบัตร</p> <p>บุตรบุคคลที่ไม่มีสถานะทางทะเบียน</p>				
เลขที่		วันที่		
สำนักทะเบียน				
๑ เด็ก ที่เกิด	๑.๑ ชื่อตัว - ชื่อสกุล		๑.๒ เลขประจำตัว	
	๑.๓ เกิดเมื่อ	เวลา	น.	๑.๔ เพศ
	๑.๕ สถานที่เกิด			
	๑.๖ เพิ่มชื่อเข้าทะเบียนประวัติเลขที่			
๒ มารดา	๒.๑ ชื่อตัว - ชื่อสกุล	๒.๒ สัญชาติ	๒.๓ เลขประจำตัว	๒.๔ อายุ ปี
	๒.๕ สถานที่เกิด			
๓ บิดา	๓.๑ ชื่อตัว - ชื่อสกุล	๓.๒ สัญชาติ	๓.๓ เลขประจำตัว	๓.๔ อายุ ปี
	๓.๕ สถานที่เกิด			
๔ ผู้แจ้งการเกิด	๔.๑ ชื่อตัว - ชื่อสกุล		๔.๒ เลขประจำตัว	๔.๓ อายุ ปี
	๔.๔ ที่อยู่			
	๔.๕ ความเกี่ยวข้องกับเด็ก	๔.๖ หนังสือรับรองการเกิด	๔.๗ ใบรับแจ้งการเกิด	
ลงชื่อ..... ผู้แจ้งการเกิด		ลงชื่อ..... (.....) นายทะเบียนผู้รับแจ้งการเกิด		ลายพิมพ์นิ้วหัวแม่มือซ้าย
ลงชื่อ..... เจ้าหน้าที่ผู้ปฏิบัติงาน		วันที่รับแจ้ง เดือน พ.ศ.		ลายพิมพ์นิ้วหัวแม่มือขวา

Source: Office of Civil Registration (2009)

Translation of a Birth Certificate for a Child without Legal Status

Form Thor.Ror.031



CERTIFICATE OF BIRTH OF A CHILD WITHOUT LEGAL STATUS

No:

Date:

Registration Office:

1. The New Born	1.1 Name-surname:		1.2 Identification Number:		
	1.3 Date of Birth:/...../.....	At: hrs.	Corresponding to: [] Waxing moon [] Waning moon	1.4 Sex:	
	1.5 Place of Birth:				
	1.6 Add Name to Civil Registration Number:				
2. Mother	2.1 Name- surname:	2.2 Nationality :	2.3 Identification Number:	2.4 Age: Years	
	2.5 Place of Birth:				
3. Father	3.1 Name-Surname:	3.2 Nationality :	3.2 Identification Number:	3.4 Age: Years	
	2.5 Place of Birth:				
4. Person Notifying Birth	4.1 Name-Surname:		4.2 Identification Number:	4.3 Age: Years	
	4.4 Residence:				
	4.5 Relationship:	4.5 Birth Certificate:	4.6 Birth Notification:		
..... Person Notifying Birth Signature of Officials	 Signature of Registrar Date/...../.....		Finger Print of a Left Thumb 	Finger Print of a Right Thumb

Source: Translated by Ladawan Khaikham (2017)